STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION 2081 Bay Road East Palo Alto, California 94303-1316 EPA ID: CAD 009 452 657 Respondent.	Docket HWCA 2006-1227 ENFORCEMENT ORDER Health and Safety Code Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Romic Environmental Technologies Corporation (Respondent).

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 2081 Bay Road, East Palo Alto, California (Site).

1.3. Subject of Order. This Order is based on a Compliance Evaluation Inspection conducted May 25 - 26, 2005, and June 1 - 2, 2005 (Violations section 2.2), burn incidents dated May 20, 2004, and March 2, 2006 (Violations section 2.3), and a release incident that occurred on June 5, 2006 (Violations section 2.4).

1.4. Further Orders. This Order is based only on the information currently available concerning the events described herein. Final investigations and analyses,

Summaries of Violations (SOV), and Reports have not been fully completed as to these events, or as to other events including, without limitation, a transporter incident in Kern County on January 25, 2007, a joint inspection of Respondent's Site with the United States Environmental Protection Agency on June 17, 18, 20 & 25, 2003 and a United States Environmental Protection Agency inspection on August 8 - 9, 2006. As those investigations and analyses continue, the Department will issue SOVs, Reports, and take such further action as may be appropriate under its jurisdiction.

1.5. Document Requests. As part of its continuing investigation of matters described above, the Department has made several requests for documents and other information from Respondent. The following requests related to the June 5, 2006, release incident, remain unfulfilled in part:

(a) November 20, 2006, Department letter in response to Respondent's June 20, 2006 submittal;

(b) January 9, 2007, Department letter in response to Respondent's June 12, 2006, June 20, 2006, July 14, 2006, and September 15, 2006, submittals; and,

(c) May 15, 2007, Department letter in response to a portion of Respondent's February 9, 2007, submittal.

1.6 Enforcement and Penalties. By issuance of this Order, the Department does not waive any right to take further enforcement actions, including the imposition of penalties, within its jurisdiction involving either Respondent or the Site, or to impose penalties for the violations described in this Order.

1.7. Authorization Status. The Department issued Respondent a California Hazardous Waste Facility Permit on or about May 21, 1986, for a term of five years. Respondent's Hazardous Waste Facility Permit was modified by the Department, on or about, July 23, 1990, and again modified on or about March 23, 2000. Respondent's Hazardous Waste Facility Permit was further modified by the terms of Consent Orders issued August 1, 2000, and April 6, 2005. Respondent's Hazardous Waste Facility Permit expired on May 21, 1991, and Respondent timely filed its application for renewal. As provided by regulation, Respondent has continued to operate under the terms and conditions of its expired modified Hazardous Waste Facility Permit (HWFP) while Respondent undergoes the permit renewal process.

1.8. Jurisdiction. Health and Safety Code, section 25187, subdivision (a), authorizes the Department to order action necessary to correct violations 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 to such specified provisions.

2. DETERMINATION OF VIOLATIONS

2.1. The Department has determined that the following violations occurred as stated.

2.2. The following violations have been determined as a result of the Compliance Evaluation Inspection conducted on May 25 - 26, 2005, and June 1 - 2, 2005:

2.2.1. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a); HWFP, section III.C.2.a.(6) and Table 2; Final Judgment and Permanent Injunction Pursuant to Stipulation, paragraph 5(l), filed on April 6, 2005, in the Superior Court of the County of San Mateo, Case No. CIV 446036, entitled *People of the State of California v. Romic Environmental Technologies Corporation* (Stipulated Judgment) [Attachment #1], in that, Respondent exceeded the maximum capacity specified in the HWFP for storage, to wit:

a. Tank K - May 10 - 11, 2005;

b. Tank M - May 3, 10, and 11, 2005;

c. Tank 102 - May 14, 2005

2.2.2. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a); HWFP, section III.C.1.a.; the Stipulated Judgment, paragraph 5(a); Consent Order, Docket HWCA P2-04/05-004 (Consent Order) [Attachment #2] entered into by and between Respondent and DTSC on April 6, 2005; and, as to each violation of the Consent Order (Schedule for Compliance), Health and Safety Code, section 25188, in that Respondent stored hazardous wastes in unauthorized areas, to wit:

a. Between Tank Farm MNO and Tank Farms R, C, and L (Old Truckwash Area): May 24 - 26, 2005, approximately 57 containers of hazardous wastes;

b. North of the North Drum Building:

(1) May 25, 2005, nine 55-gallon drums and 7 tri-walls;

(2) June 1, 2005, approximately 30 drums and 10 tri-walls;

c. Sampling Area (longer than 144 hours): April 29 to May 7, 2005, drums containing used oil (tracking nos. 1253588 and 1253589, manifest no. 22918227);

d. North Drum Building: May 17-18, 2005, a drum of debris contaminated with corrosive hydrochloric and sulfuric acid (tracking no. 1255795, manifest no. 24440939).

2.2.3. Respondent violated the Consent Order (Schedule for Compliance), which violation, and each of them, also constitutes a violation of Health and Safety Code, section 25188, in that:

a. Respondent violated paragraph 3.1.3. of the Consent Order, in that, Respondent failed to follow the procedures specified in the "Technical Protocol: Storage of Various Waste Types in Sampling Area" (Attachment A of the Consent Order):

(1) May 25, 2005, Respondent failed to demonstrate that a weekly electronic inventory of the containers staged in the Sampling Area was being conducted as specified in section 3.4. of Attachment A of the Consent Order;

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(2) May 25, 2005, Respondent had not conducted a daily inspection of the Sampling Area as specified in section 3.5.1 of Attachment A of the Consent Order.

b. Respondent violated paragraph 3.1.4. of the Consent Order in that, on or about May 2 - 4, 2005, Respondent failed to conduct equipment inspections of vehicles used for intra-plant transfers as specified in section 3.2. of the "Technical Protocol: Intra-Plant Transfers Via Tanker Truck" (Attachment B of the Consent Order).

2.2.4. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a) and section 66264.171; and, HWFP, section III.C.1.i., in that on or about June 1, 2005, Respondent failed to properly manage corroded and leaking containers, to wit: a 55-gallon drum containing hazardous waste paint related material (tracking # 1258162, manifest no. 24441061) had a hole on the side and paint waste had leaked onto the top of the drum underneath.

2.2.5. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a); and, HWFP, section III.B., in that, on or about, May 25, 2005, a container of PCB waste (container tracking no. 1248933), was observed at the South Drum Building - an area not authorized for such waste.

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2.2.6. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a), and section 66264 73, subdivision (b); HWFP, section III.R.2.a.; and, Stipulated Judgment, paragraph 5(f), in that, Respondent failed to keep accurate operating records on the following dates:

a. December 8, 2004, a drum containing waste corrosive oxidizing liquids, perchloric acid (tracking number 1227599, manifest no 24106293) was shown on the Operating Record (tracking document) as out of area (shipped off-site). However, on May 25, 2005, the drum was observed in West Drum Building #1;

b. May 24 -26, 2005, approximately 57 containers of hazardous aqueous wastes were placed between Tank Farm MNO and Tank Farms R, C, and L (Old Truckwash Area). Respondent's Operating Record showed "57 drums transferred into Tank 102" on May 24 - 25, 2005. However, on May 25, 2005, 52 containers were observed in the Old Truckwash Area and on May 26, 2005, transfer of the containers into Tank 102 was observed;

c. May 23, 2005, the tracking detail, on a drum containing waste flammable liquid, toxic, corrosive (isopropanol, xylene), tracking no. 1257022, manifest no. 24441001, showed that the drum was out of area (shipped off-site). However, the drum was placed in the Old Trough Area for transfer into tanker T-11 on May 25, 2005;

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d. Respondent's tracking record for waste received from the generator does not match with the certification of receipt date on the manifest, to wit:

(1) Container tracking nos 1253930 - 1253931 show the date received from the generator as May 4, 2005; the TSDF receipt date on manifest no. 24105166, containing tracking nos. 1253930 - 1253931, is May 3, 2005;

(2) Container tracking nos. 1253938 - 1253940 show the date received from the generator as May 4, 2005; the TSDF receipt date on manifest no. 24105176, containing tracking nos. 1253938 - 1253940, is May 3, 2005;

(3) Container tracking nos. 1253932 - 1253933 show the date received from the generator as May 4, 2005; the TSDF receipt date on manifest no. 24105177, containing tracking nos. 1253932 - 1253933, is May 3, 2005;

(4) Container tracking no. 1248463 shows the date received from the generator as April 5, 2005; the TSDF receipt date on manifest no. 24402419, containing tracking no. 1248463, is April 4, 2005;

(5) Container tracking no. 1257432 shows the date received from the generator as May 20, 2005; the TSDF receipt date on manifest no. 24112979, containing tracking no. 1257432, is May 19, 2005;

(6) Container tracking nos. 1241374, 1241375 and 1241376 show the date received from the generator as February 22, 2005; the TSDF receipt

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date on manifest no. 23890724, containing tracking nos. 1241374, 1241375 and 1241376, is February 18, 2005;

(7) Container tracking nos. 1235319 and 1235320 show the date received from the generator as January 14, 2005; the TSDF receipt date on manifest no. 24106749, containing tracking nos. 1235319 and 1235320, is January 13, 2005;

(8) Container tracking no. 1257433, shows the date received from the generator as May 20, 2005; the TSDF receipt date on manifest no. 24441013, containing tracking no. 1257433, is May 19, 2005;

e. Respondent's tracking record shows that container nos. 1256508, 1256509, 1232023 and 1232025, manifest no. 9630720 were shipped out on May 26, 2005, although each of these containers were observed north of the North Drum Building on June 1, 2005;

f. Respondent's tracking record shows that containers 1251535 and 1251536, containing lab-packed corrosive wastes were stored in row D-19 in West Drum Building No. 2 on May 2 through May 5, 2005, while other records show the same drums being located in West Drum Building No. 1;

g. Respondent's tracking record shows that container 1227599, containing waste corrosive oxidizing liquids, perchloric acid, was scanned out of West Drum Building No. 1 into row D02 in West Drum Building No. 2 on March 16,

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2005 at 8:50 am., while other records show the same container as being located at 9:15 am in West Drum Building No. 1;

h. Respondent's tracking records were inaccurate in that records indicated containers were stored in the Sampling Area in excess of 144 hours, when Respondent's tracking system indicated to the contrary Tracking records provided indicated:

(1) April 5 to April 13, 2005, a portable tote containing hazardous waste toluene and xylene (tracking no. 1248463, manifest no. 24402419) was stored in the Sampling Area for 192 hours before it was transferred to the South Drum Building on April 13, 2005;

(2) May 6 - 18, 2005, three drums containing mercury iodide, waste thionyl chloride, and waste corrosive liquid, acidic (tracking nos. 12544228, 1254229 and 1254230; manifest no. 24066872) were stored in the Sampling Area for 288 hours before they were transferred to the West Drum Buildings No 1 and 2, waste stream dependent, on May 18, 2005;

(3) May 25, 2005 to June 2, 2005, a 30-gallon drum of paint waste (tracking # 1257432, manifest no. 24112979) was stored in the Sampling Area for 192 hours before it was the container contents were transferred to Tank K;

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(4) May 17 to June 1, 2005, a drum containing a mixture of hazardous waste corrosive liquid, basic, sodium hydroxide and ammonium hydroxide, alkaline organic surfactants (tracking # 1256509, manifest no 96307320) was stored in the Sampling Area for approximately 360 hours before it was transferred to West Drum Building on June 1, 2005;

(5) February 23 to March 2, 2005, three lab packed drums containing waste mercury compounds, and other waste toxic liquids (tracking nos. 1241374, 1241375, and 1241376, manifest no. 23890724) were stored in the Sampling Area for 168 hours before they were transferred to West Building No 2 on March 2, 2005; and,

(6) January 18 to 26, 2005, a corroded drum labeled as non-RCRA waste liquids, (drum # 1235319, manifest 24106749) was stored in the Sampling Area for approximately 192 hours before it was transferred to the South Drum Building on January 26, 2005.

2.2.7. Respondent violated California Code of Regulations, title 22, section 66265.195, subdivisions (a)(4) and (c), in that on or about May 25, 2005, Respondent failed to note in the inspection log, the presence of liquid (approximately 6 inches deep) in two containment sumps located in the Truck Wash Area.

2.2.8. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66264.15, subdivision (d); and,

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Stipulated Judgment, paragraph 5(f), in that, Respondent failed to record in an inspection log the following required information, to wit:

a. Nature of repairs or other remedial actions performed, on deficiencies noted:

(1) May 27, 2005, the Daily Sampling Inspection Record - torn labels observed in Rows 78, 77, 68, 66, and 64;

(2) May 31, 2005, the Daily Sampling Inspection Record - torn labels in Row 77;

(3) June 1, 2005, the Daily Sampling Inspection Record - torn labels.

(4) May 14, 2005, Respondent's Daily Inspection Form (Production) "Other comments section noted: 'some liquid oil under 36"R, around 102, under 43" H/E. Try to wash oil; and sucked some liquid under 36", somebody run over 102".

b. Weekly inspections conducted in the storage areas on December 28, 2004 and May 18, and 23, 2005 noted illegible labels, lack of labels, incorrect labels, torn labels, containers not fully closed, and the presence of liquid in secondary containment.

2.2.9. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a), and section 66264.16, subdivisions (a)(1) and (b); and, HWFP, section III.N.1., in that, on or about, August 1, 2002 until June 13, 2005, Respondent failed to provide specified courses in the Training Plan, to wit:

Carlos Alcantara, Liquefaction Operator, Hire date - 01/04/94

The following training courses were not provided: Biosystem (Waste water); Hot Work Welding; Incident Investigation and Root Cause Analysis; Respiratory Protection (Powered Air Purifying Respirators); Thin Film Operation; Emergency Response Drills; Neutralization; and Tank Transfer Operation.

Kevin Anderson, Shift Supervisor, Hire date - 12/21/81

The following training courses were not provided: Hot Work Welding; Incident Investigation and Root Cause Analysis; Liquefaction; Neutralization; Respiratory Protection (Powered Air Purifying Respirators); Emergency Response Drills; Fire Extinguisher (Incipient Stage); Fire Prevention; and Tank Transfer Operation.

Alfred Durias, Production Shift Supervisor, Hire Date - 06/17/85

The following training courses were not provided: Hot Work Welding; Incident Investigation and Root Cause Analysis; Liquefaction; Neutralization; Respiratory Protection (Powered Air Purifying Respirators); Emergency Response Drills; and Tank Transfer Operation.

2.2 10. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a), and section 66264.16, subdivisions (a)(1) and (b); and, HWFP, section III.N.3., in

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that, on or about, August 1, 2002 until June 13, 2005, Respondent failed to provide annual review of training, to wit:

Carlos Alcantara, Liquefaction Operator, Hire Date - 01/01/94

Respondent failed to provide required annual refresher training on: Spill Response, due on or about April 2004 and 2005; Decontamination and Respiratory Protection Program (SCBA/Supplied Air Line), not provided in 2003 but were provided on 7/7/04 and 9/22/04, respectively. In addition, Respondent failed to provide these courses: required biennially - Determining Compatibles and Incompatibles, not provided in 2003 but was provided on 4/28/05, and Bonding and Grounding, not provided in 2003, but was provided on 2/26/05.

Kevin Anderson, Shift Supervisor, Hire Date - 12/21/81

Respondent failed to provide required annual refresher training on: Contingency Plan, not provided in 2003, but was provided on 09/26/02, 12/28/04 and 2/17/05; Decontamination, not provided in 2003, but was provided on 09/26/02 and 08/04/04; Hazard Communication, not provided in 2003, but was provided on 11/01/04; Notification of Injury/Incident, was not provided in 2003, but was provided on 08/30/04 and 03/15/05; Personal Protective Equipment Program, not provided in 2003, but was provided on 11/01/04; Principles in Toxicology, not provided in 2002 and 2003, but was provided on 08/040/04; RCRA, was provided on 09/26/02,

but not in 2003, 2004 and 2005; Respiratory Protection Program (SCBA/Supplied Air line) not provided in 2002 and 2003, but was provided on 09/22/04; Spill Response, not provided in 2003, but was provided on 09/26/02 and 12/28/04. In addition, Respondent failed to provide training in Determining Compatibles and Incompatibles in 2003 (required biennially), but was provided on 04/29/05.

Alfred Durias, Production Shift Supervisor, Hire Date - 06/17/85

Respondent failed to provide annual refresher training on: Principles of Toxicology, not provided in 2002, but was provided on 07/09/03 and 07/07/04; Respiratory Protection Program (SCBA/Supplied Air line), provided on 10/30/02 and 07/09/03, but not provided in 2004. In addition, Respondent failed to provide training in Determining Compatibles and Incompatibles in 2003 (required biennially), but was provided on 04/29/05.

2.2.11. Respondent violated Health and Safety Code, section 25202, subdivision (a) and California Code of Regulations, title 22, section 66270.30, subdivision (a), and section 66264.16, subdivision (d)(3), in that on or about May 25, 2005, Respondent failed to prepare and maintain a written training description of the type and amount of both introductory and continuing training that will be given to each person filling a position/job title related to hazardous waste management, to wit: the current training plan consists of written description for the type and amount of training for each Department and not for each job title/position as required

2.3. The following violations have been determined as a result of the burn incidents that occurred on May 20, 2004, and on March 2, 2006:

2.3.1. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a) and section 66264.31; and, HWFP, section II.G.6, in that, on or about May 20, 2004, during maintenance on Thin Film Evaporator #3, Respondent failed to maintain or operate its facility to minimize the possibility of any unplanned sudden release of hazardous waste which could threaten human health, in that Respondent failed to properly drain the Thin Film Unit prior to initiating maintenance, resulting in severe burns to an employee.

2.3.2. Respondent violated Health and Safety Code, section 25189.6, subdivision (a), and section 25202, subdivision (a), in that on or about March 2, 2006, Respondent recklessly disregarded the risk of fire, explosion or serious injury, by failing to comply with the requirements of HWFP, section II.G.6, and ensuring that hazardous waste storage tank 104 had been completely emptied, purged and isolated, and that no flammable vapors were present prior to performing cutting operation. As a result, Respondent's employee suffered severe burns when vapors inside Tank 104 were ignited by an acetylene torch.

2.3.3. Respondent violated Health and Safety Code, section 25189.6, subdivision (b), and California Code of Regulations, title 22, section 66264.51, subdivision (b), in that on or about March 2, 2006, the Emergency Coordinator failed to

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adequately and appropriately arrange for care of the injured employee, in that the Emergency Coordinator did not call 911 but instead drove the employee to a hospital.

2.3.4 Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a); HWFP, section II.G.12.b.; and, Operation Plan, section VII.C.4., in that Respondent failed to provide to the Department verbal and written notification within 24 hours and within 5 days, respectively, from the occurrence of an actual emergency, to wit:

a. On May 20, 2004, Respondent's employee suffered severe burns when hot hazardous waste liquid was released from Thin Film Evaporator #3 during maintenance. Required 24-hour and 5-day notifications were not made on May 21 and 25, 2004, respectively.

b. On or about March 2, 2006, Respondent's employee suffered severe burns when vapors inside Tank 104 were ignited by an acetylene torch. Required 24-hour and 5-day notifications were not made on March 3 and 7, 2006, respectively. A written notification to the Department was dated March 8, 2006.

2.3.5. Respondent violated California Code of Regulations, title 22, section 66264.56, subdivision (j), in that on or about June 4, 2004 (or 15 days after the incident), Respondent failed to submit to the Department a written report on the May 20, 2004 burn incident.

2.3.6. Respondent violated California Code of Regulations, title 22, section 66264.73, subdivision (b)(4), in that on or about May 20, 2004, Respondent failed to

record and maintain in the operating record, summary report and details of the May 20, 2004 burn incident.

2.3.7. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a), and section 66270.42; HWFP, section II.G.10.; and, the Stipulated Judgment, paragraph 5(l), in that, on or about January 2, 2006, Respondent failed to provide notification to the Department for planned changes that would affect hazardous waste permitted units and failed to apply for and receive a permit modification approval prior to changes in equipment. Respondent performed equipment modifications on tanks 103 and 104 as follows:

a. On February 2, 2006, the overflow lines on tanks 103 and 104 were removed, and a 3-inch blind flange was installed, as shown on Maintenance Work Request, No. 6386, dated January 11, 2006;

b. On March 2, 2006, Respondent cut a hole on the top of tank 104, using an acetylene torch, per Maintenance Work Request, no. 6359, dated February 8, 2006, to add a feed from an existing overhead line;

c. On or about March 24, 2006, Respondent completed the modifications on tanks 103 and 104 including, but not limited to, the addition of a line to tank 104 from an existing overhead line to tank 103, and the addition of valves on each line. Modifications performed on tank 104 and its ancillary equipment include:

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the removal of bottom feed lines/fittings, installation of overhead feed line, removal of top and side man ways, and the installation of a blower;

2.3.8. Respondent violated Health and Safety Code, section 25202, subdivision (a); HWFP, section II.G.10.; California Code of Regulations, title 22, section 66270.30, subdivision (a), and section 66270.42, in that, on or about June 27, 2004, Respondent failed to provide notification to and apply for and receive a permit modification from the Department prior to the installation of knife valves above the sight glass on Thin Film Evaporators #1, #2, and #3.

2.4. The following violations have been determined as a result of the release incident that occurred on June 5, 2006:

2.4.1. Respondent violated Health and Safety Code, section 25189.6, subdivision (a), and section 25202, subdivision (a), in that on or about June 5, 2006, Respondent recklessly disregarded the risk of fire, explosion or serious injury, and the requirements of HWFP, Section II.G.6, by failing to ensure that management of fuel blended hydroxylamine waste streams would not produce an accidental reaction. Specifically, the following events occurred:

a. Hydroxylamine/acetonitrile fuel blended hazardous waste mixed with ketone-based still bottom hazardous wastes in Tank M, an authorized treatment tank, were released on-site via the tank's pressure relief valve; and

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b. Hydroxylamine/acetonitrile fuel blended hazardous waste mixed with biosludge hazardous wastes in Tanker Trailer T-15 were released to an area in excess of 2 acres.

2.4.2. Respondent violated California Code of Regulations, title 22, section 66264.199, subdivision (a), and section 66264.177, subdivision (a), in that, on or about, June 5, 2006, Respondent placed incompatible wastes/materials in the same container and tank, to wit:

a. High temperature ketone-based still bottom wastes and hydroxylamine/acetronitrile wastes were stored and/or mixed in Tank M where they reacted, resulting in a release to the environment;

b. Highly caustic hydroxylamine/acetonitrile wastes were mixed with biosludge waste in Tanker Trailer T-15 where they reacted, resulting in a release to the environment.

2.4.3. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a); HWFP, section II.B; the Stipulated Judgment, paragraph 5(h), in that, on or about, June 5, 2006, Respondent conducted treatment in Tanker Trailer T-15, an unauthorized unit, by adding 3,409 gallons of hydroxylamine/acetonitrile waste to 1,000 gallons of biosludge waste.

2.4.4. Respondent violated Health and Safety Code, section 25202, subdivision (a); California Code of Regulations, title 22, section 66270.30, subdivision (a); HWFP,

section II, Part F; and, Operation Plan, Section III, Part C (Waste Analysis Plan) in that, on or about, June 5, 2006, Respondent failed to follow the approved Waste Analysis Plan requirement to conduct supplemental analyses to further identify wastes to ensure proper management. Respondent failed to follow procedures specified in Respondent's *Waste Acceptance Guidance* RWAG-019 in that Respondent failed to conduct compatibility testing and failed to verify that incoming wastes contain less than 20% hydroxylamine and a suitable inhibitor present at 10-20% in solution. RWAG-019 further stated that hydroxylamine will explode at 158 degrees Fahrenheit and is incompatible with acids and ketones

3. SCHEDULE FOR COMPLIANCE

3.1. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Unless expressly stated herein all prior orders of the Department are confirmed and shall remain in full force and effect. The requirements of this section 3.1 and its subsections are in addition to any and all existing requirements imposed upon Respondent whether by statute, regulation, court judgment, or order. In the event of any conflict among these requirements, the most restrictive, as the Department in its sole discretion shall determine, shall apply.

3.1.2. As of the effective date of this Order, and for a period thereafter of not less than five years, Respondent shall maintain this Order as part of its operating record.

3.1.3. Within 30 days of the effective date of this Order, Respondent shall cease receipt of all hazardous bulk liquid waste, including but not limited to, tankers, tanker trailers, intermediate bulk containers, totes, supersacks, bins, tri-walls and containers in excess of the container size specified in 3.1 7 of this Order.

3.1.4. Within 45 days of the effective date of this Order, Respondent shall cease all hazardous waste treatment activities.

3.1.5. As of the effective date of this Order, Respondent shall cease all handling of hazardous waste, except as specified in this Order.

3.1.6. As of the effective date of this Order, Respondent shall cease all re-packaging and consolidation of laboratory packed drums.

3.1.7. Within 30 days of the effective date of this Order, Respondent shall store and manage only hazardous waste in drums, 85-gallons in size or smaller, in authorized areas, specifically: North Drum Building, South Drum Building, West Drum Building No. 1, West Drum Building No. 2 and the Drum Sampling Area, and no other areas.

3.1.8. Respondent shall operate in accordance with Respondent's May 21, 1986 HWFP as modified on July 23, 1990 and March 23, 2000, Consent Order HWCA P2-04/05-004, and Consent Order to Correct Violations HWCA 2006-1171 [Attachment #3], except as specified in this Order.

3.1.9. Respondent shall operate in accordance with the Stipulated Judgment to the extent not precluded by any other statute, regulation, or order.

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3.1.10. Within 5 days of the effective date of this Order, Respondent shall notify all customers in writing of reduced operating conditions imposed by this Order. In addition, such notice shall be prominently posted on Respondent's website.

3.1.11 Respondent shall comply with all container management requirements specified in Respondent's HWFP, Section III, part C.1., the Consent Order, paragraph 3.1.3 and the Stipulated Judgment.

3.1.12. Respondent shall handle and overpack those containers received from off-site found to be leaking and or bulging in accordance with procedures specified in Stipulated Judgment, paragraph 5 (n). Upon the effective date of paragraph 3.1.4, Respondent is precluded from treating the contents of bulging containers, except as provided by California Code of Regulations, title 22, section 66264.1(g)(8)(A).

3.1.13. Respondent shall manage all containers in authorized storage areas. Prior to staging a shipment, Respondent shall conduct all labeling, verification, application of appropriate Department of Transportation marking/labeling, piece count and visual inspection of containers in authorized storage areas.

3.1.14. As of the effective date of this Order, Respondent shall conduct inspections of hazardous waste containers at least once each operating day. Inspections of hazardous waste containers shall include, but not be limited to, hazardous waste compatibility, container integrity, proper container closure, labeling, aisle space, and secondary containment integrity. Respondent shall conduct inspections in accordance with California Code of Regulations, title 22, section

66264.15. All documents generated from inspections are operating records and shall be managed in accordance with California Code of Regulations, title 22, section 66264.73. All computer tracking systems used by Respondent for compliance with California Code of Regulations, title 22 shall be updated on a daily basis.

3.1.15. Within 60 days of the effective date of this Order, Respondent shall empty and dispose of all hazardous waste from all hazardous waste management units except those specifically authorized by this Order.

3.1.16. Within 60 days of the effective date of this Order, Respondent shall initiate closure of all hazardous waste management units except those specifically authorized by this Order. Closure shall be completed within 180 days and shall be conducted in accordance with Respondent's Closure Plan dated November, 2001 as revised 4/05 contained in Appendix 3 of Respondent's Part B Permit Application.

3.1.17. Within 240 days of the effective date of this Order, Respondent shall submit the closure report and closure certification to the Department.

3.1.18. Respondent may accumulate rinsates generated from closure activities in three authorized storage tanks, to be identified by Respondent. As Respondent generates rinsate from the decontamination of a hazardous waste management unit, said rinsate shall be disposed of within 90 days of generation. Respondent shall not treat any hazardous waste and/or rinsate generated by closure activities.

3.1.19. Respondent has a continuing obligation to comply with all applicable tank inspection requirements as contained in California Code of Regulations, title 22,

section 66264.195. All tank inspection records shall be kept on file as part of facility operating record. In addition, Respondent shall comply with generator labeling requirements in accordance with California Code of Regulations, title 22, section 66262.34 (f).

3.1.20. Respondent has a continuing obligation to comply with the Consent Order, paragraph 3.1.4, except that all intra-facility transfer activities shall be limited exclusively to facilitate closure activities. All intra-facility transfer activities shall be conducted within secondary containment structures.

3.1.21. Within 30 days of completing closure activities at Respondent's facility located at 2081 Bay Road, East Palo Alto, California, Respondent shall submit a notice of intent to close Respondent's Rail Terminal Facility located at 695 Seaport Boulevard, Redwood City, California.

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

Patricia Barni
Enforcement and Emergency Response Program
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2737

///

3.3. Communications. All approvals and decisions of the Department made regarding such submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, 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 the obligation to obtain such formal approvals as may otherwise be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. 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.

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

3.6. Endangerment during Implementation. In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) creates 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 order Respondent to stop further implementation of this Order for such

period of time as is needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this paragraph shall be extended by the term of the Stop Work Order.

3.7. 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. 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.

3.8. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. The Department and its authorized representatives shall have the authority to enter and move freely about all property at 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 Order; and conducting such tests as the Department may deem necessary. Nothing in this 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.

3.9. Sampling, Data and Document Availability.

3.9.1. Respondent shall permit the Department and/or its authorized representatives to inspect and copy all sampling, testing, monitoring, and/or other data (including, without limitation, the results of any such sampling, testing and monitoring)

generated by Respondent, or on Respondent's behalf, in any way pertaining to work undertaken pursuant to this Order.

3.9.2 Respondent shall allow the Department and/or its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order.

3.9.3. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either:

(a) comply with that request,

(b) deliver the documents to the Department, or

(c) notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order and permit the Department to copy the documents prior to destruction.

3.10. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties specified in paragraph 4.2, in carrying out activities pursuant to this Order. Neither the State of California nor the Department shall be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

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

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

3.13. 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.

4. OTHER PROVISIONS

4.1. Penalties for Noncompliance. 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.

4.2. 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.

4.3. Privileges. Nothing in this Order shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-

product However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

4.4. Time Periods. "Days" for purposes of this Order means calendar days, except as otherwise expressly stated.

5. RIGHT TO A HEARING

5.1. Respondent may request a hearing to challenge this Order.

5.2. Appeal procedures are described in the attached Statement to Respondent.

6. EFFECTIVE DATE

6.1. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent submits a written request for a hearing within the twenty-day period.

Date of Issuance: May 30, 2007

Original signed by Charlene Williams

Charlene Williams, Chief
Northern California Branch
Enforcement and Emergency Response Program

HWCA 2006-1227

ENFORCEMENT ORDER

ATTACHMENT # 1

CIV 446036: STIPULATED JUDGMENT
APRIL 6, 2005

BILL LOCKYER, Attorney General
of the State of California
THEODORA BERGER
Assistant Attorney General
G. LYNN THORPE (Bar No. 112122)
Deputy Attorney General
ROSE B. FUA (Bar No. 119757)
Deputy Attorney General
1300 I Street, Suite 1101
P.O. Box 944255
Sacramento, California 94244-2550
Telephone: (915) 322-9226
Fax: (916) 327-2319

Attorneys for Plaintiffs People of the
State of California, ex rel. B. B. Blevins,
Director, Department of Toxic Substances Control

ENDORSED FILED
SAN MATEO COUNTY

APR 06 2005

CLERK OF THE SUPERIOR COURT
By M. Young
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN MATEO

PEOPLE OF THE STATE OF CALIFORNIA, ex rel. B. B. Blevins, Director, Department of Toxic Substances Control, Plaintiff, v. ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION, a California corporation Defendant.	Case No.: CIV 446036 **STIPULATION FOR ENTRY OF FINAL JUDGMENT (C.C.P. § 664.6)** **FINAL JUDGMENT AND PERMANENT INJUNCTION PURSUANT TO STIPULATION** **[PROPOSED ORDER]**

1. Introduction.

On April 6, 2005, the People of the State of California, ex rel. B. B. Blevins, Director of the Department of Toxic Substances Control ("DTSC"), filed a Complaint seeking, among other things, preliminary and permanent injunctive relief and civil penalties pursuant to the Hazardous Waste Control Law ("HWCL"), Health and Safety Code sections 25100 et seq. against Romic Environmental Technologies Corporation ("Romic") as the owner and operator of

the hazardous waste facility located at 2081 Bay Road, East Palo Alto, California ("East Palo Alto facility") and a rail terminal facility at 695 Seaport Boulevard, Redwood City, California ("Rail Terminal facility"). DTSC's Complaint alleges numerous violations of the HWCL's requirements for storage, handling, acceptance, and treatment of hazardous waste, violations of DTSC's regulations, and violations of the provisions and conditions of Romic's Hazardous Waste Facility Permits. Without admitting any liability, Romic hereby stipulates and consents to the entry of this Stipulation for Entry of Final Judgment ("Stipulation"), and to the entry of the Final Judgment and Permanent Injunction (collectively, "Final Judgment") and its provisions and requirements. Romic hereby agrees to take the actions set forth in this Final Judgment so that its facilities shall attain and maintain compliance with the applicable provisions of the HWCL and its permits.

2. Complaint.

The Complaint in this case (attached as Exhibit A) alleges that Romic violated numerous HWCL provisions and its regulations (title 22, California Code of Regulations, Division 4.5, sections 66000 et seq., hereafter " title 22, Cal. Code Regs."), and Romic's Hazardous Waste Facility Permit conditions, with respect to hazardous waste operations at the East Palo Alto facility and the Rail Terminal facility, and requests injunctive relief and penalties against Romic.

3. Jurisdiction.

The parties agree that the Superior Court of San Mateo County has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction over the parties to this Stipulation and Final Judgment. The parties stipulate that the Superior Court of San Mateo County has venue in this action.

4. Application of Settlement and Injunction.

The injunctive provisions of this Final Judgment are applicable to Romic, and its subsidiaries and divisions, its officers and directors, all agents, employees, representatives and all persons, partners, corporations and successors thereto, or other entities, acting by, through, under, or on behalf of Romic (collectively, "Enjoined Parties"). The injunctive provisions of this

Final Judgment apply only to Romic's East Palo Alto and Redwood City operations. The injunctive provisions of this Final Judgment are applicable to Romic's existing hazardous waste permits, any successor permits thereto and any other Department issued authorization to operate.

5. Injunctive Relief.

Enjoined Parties, pursuant to Health and Safety Code sections 25181 and 25184, are hereby permanently enjoined from:

a) Storing hazardous waste in areas not authorized by Romic's permits or consent orders;

b) Storing hazardous waste in containers not authorized by Romic's permits or consent orders;

c) Storing incompatible hazardous waste in the same container as defined in title 22, Cal. Code Regs., section 66264.177;

d) Failing to separate incompatible hazardous waste. Romic shall separate all incompatible hazardous waste as specified in title 22, Cal. Code Regs., section 66264.177(c), including by use of a containment pallet. Romic shall separate incompatible hazardous waste at the Sampling Area at the time of receipt, as containers are off-loaded from the receiving transport vehicle. If Romic elects to use containment pallets to separate incompatible hazardous waste, containers placed within the same containment pallet shall be compatible and shall not be stacked, except 5 gallon containers may be stacked no more than two high. Within 30 days of entry of this Final Judgment, Romic shall re-train all employees responsible for the removal of containers of hazardous waste from incoming transport vehicles on the proper segregation of incompatible wastes and placement within the Sampling Area;

e) Failing to sign and date hazardous waste manifests for incoming shipments in a complete, accurate and timely manner. Romic shall sign and date any

manifest no later than the earliest of the following occurrences:

1) the departure of the delivery vehicle from the Romic facility;

2) by 2300 hours the day of the unloading of the delivery vehicle; or

3) by noon on the first operating day following the date the delivery vehicle arrived on the Romic facility.

f) Failing to record accurate data. Romic shall maintain accurate operating records that reflect the description and quantity of each hazardous waste received and the actual dates and methods of hazardous waste transfer, treatment, and storage as required by title 22, Cal. Code Regs., section 66264.73. Romic shall maintain accurate operating records that document waste analysis and waste determination results that are cross-referenced to specific manifest document numbers. Romic shall record every manifest received at its East Palo Alto facility in the operating record and shall document the movement of hazardous waste accepted from each manifest as it is stored, treated, and subsequently shipped offsite, when applicable, at the East Palo Alto facility. Romic shall document the rejection of all hazardous wastes received at the East Palo Alto facility in the operating record. Romic shall maintain operating records that accurately document volumes of hazardous waste stored in hazardous waste tanks. To ensure compliance with this paragraph, within 30 days of the entry of this Final Judgment, Romic shall institute an audit review program to evaluate all operating records for accuracy and reliability, including, but not limited to:

1) Daily review of the accuracy of tank volume data to ensure that tank volumes are within the permitted capacities;

2) Quarterly review of software systems for accuracy in conversions of tank volume measurements;

3) Periodic review of incoming manifests to ensure that manifests are signed upon receipt and that data entered into any computer tracking

system reflects actual dates of receipt and acceptance;

4) Periodic review of waste analysis acceptance to ensure results are consistent with profile information and that dates are reflective of actual analyses;

5) Periodic review of waste transfer logs to ensure that dates recorded reflect actual transfer/treatment/movement dates;

6) Periodic review of waste sample logs and analysis records for duplication; when errors are found, the errors shall be noted with corrections adequately documented, including the date and name and signature of individual making said correction; and

7) Weekly review of inspection logs to ensure that all tanks, containers, treatment units, and any secondary containment areas are properly inspected including but not limited to all associated ancillary equipment and that any deficiencies noted are being promptly addressed and documented.

g) Failing to maintain, without interruption and in full compliance with the requirements of title 22, Cal. Code Regs., chapter 14, article 8, a financial assurance mechanism to cover the cost of closure of the East Palo Alto and Rail Terminal facilities. Romic shall file with DTSC, an original of the appropriate DTSC Form (1154 through 1174) within thirty (30) days of the effective date of:

1) Any new or reissued mechanism maintained for the purpose of compliance with the requirements of title 22, Cal. Code Regs., chapter 14, article 8, concerning financial assurance for closure or postclosure of the facilities; or

2) Any extension of the period of any mechanism maintained for the purpose of compliance with the requirements of title 22, Cal. Code Regs., chapter 14, article 8, concerning financial assurance for closure

or postclosure of the facilities.

h) Operating any treatment units or performing treatment activities that are not authorized until such time as those units or treatment activities are authorized. This shall include, but not be limited to, the Debris Shredder Unit, the High Temperature Unit and consolidation for energy recovery purposes by use of the sorting table;

i) Storing hazardous waste in tanks that exceed their permitted capacity. Romic shall record all of its tank volumes in the same measurement units used in Romic's permit for a given tank's capacity;

j) Accepting hazardous waste not specifically authorized by permit;

k) Maintaining aisle space in hazardous waste storage areas less than authorized by permit;

l) Modifying any permitted activities or units without compliance with DTSC's permitting regulations;

m) Stacking of leaning drums. If Romic elects to stack drums where authorized under the terms of its permit, Romic shall only stack drums two (2) high and shall ensure that the stacked drums are not leaning or unstable;

n) Failing to inspect on a weekly basis to ensure that all containers are in good condition and not leaking or bulging. The inspection results shall be recorded in the inspection log in accordance with title 22, Cal. Code Regs., section 66264.15(d). To ensure its compliance, Romic shall handle all defective containers in the following manner:

1) All containers found leaking shall be immediately addressed in accordance with Romic's container management protocols and recorded in the inspection log to ensure proper tracking of said container.

2) All containers found bulging shall be immediately addressed in accordance with Romic's container management protocols. The date and time of venting shall be recorded directly on the drum in question.

3) If a second venting is required, Romic shall, if technically possible, immediately treat the contents of said drum onsite in order to prevent further bulging. If the previously vented drum contains waste that Romic is not otherwise authorized to treat, then Romic shall treat the waste pursuant to the authority in title 22, Cal. Code Regs., section 66264.1(g)(8)(A). Romic shall document the treatment in the operating record to ensure proper tracking of said hazardous waste. Within fifteen (15) days of treating the waste, Romic shall provide DTSC with a written report identifying the waste type, quantity and method of treatment.

4) If a second venting is required and Romic is not technically equipped to immediately treat the contents of said drum onsite in order to prevent further bulging, Romic shall vent the drum in accordance with Romic's container management protocols, overpack the vented drum as appropriate, and ship the drum offsite for treatment within seventy-two (72) hours. These actions shall be recorded in the inspection log to ensure proper tracking of said container

o) Using subcontractor hazardous waste transporters between its East Palo Alto Facility and its Rail Terminal Facility until, and unless, a permit modification authorizing such activity is submitted to and approved by DTSC.

p) Failing to operate a secondary containment system at the Rail Terminal Facility in accordance with title 22, Cal. Code Regs., section 66264.175. Romic shall operate the Rail Terminal Facility secondary containment system with no cracks, gaps or tears. Romic shall ensure the secondary containment is operated to prevent the movement of liquids into and out of the secondary containment system. To ensure its compliance, Romic shall:

1) Conduct a structural integrity test on the Rail Terminal Facility

secondary containment system within thirty (30) days of entry of this Final Judgment to assess the condition and capabilities of the existing secondary containment system. The structural integrity test shall be conducted by an independent, qualified registered engineer registered in California pursuant to title 22, Cal. Code Regs., section 66270.11(d). Romic shall submit the engineer's structural integrity test findings, along with any and all recommendations for the secondary containment unit within ten (10) days of receiving said findings.

2) If the results of the structural integrity test determine that the secondary containment system is unable to function in accordance with title 22, Cal. Code Regs., section 66264.175, then Romic shall immediately notify DTSC of emergency measures it will take to minimize the movement of liquids into and out of the secondary containment system. Romic shall further submit to DTSC its proposal to remedy to all problems noted in structural integrity test findings.

3) If the results of the structural integrity test determine that the secondary containment system is able to function in accordance with title 22, Cal. Code Regs., section 66264.175, then Romic shall initiate a semi-annual certification program for the integrity of the secondary containment system to be completed by an independent, qualified registered engineer registered in California pursuant to title 22, Cal. Code Regs., section 66270.11(d). The first semi-annual certification shall be completed on or before October 15, 2005 and shall be conducted every six months thereafter for a minimum of two (2) years. If the secondary containment system fails any integrity test during this two year period, then Romic shall comply with section 5(p)(2) above. If the secondary containment system passes all integrity tests during this period, then Romic shall next conduct a secondary containment

system integrity test on or before October 15, 2008 and every two years until the Standardized Permit is renewed or the Rail Terminal Facility initiates closure.

q) Failing to conduct inspections at the Rail Terminal Facility's secondary containment system. To ensure its compliance, Romic shall develop a written inspection schedule and inspection log for the Rail Terminal Facility in accordance with title 22, Cal. Code Regs., section 66264.15 within thirty (30) days of the entry of this Final Judgment. Further, Romic shall submit a signed certificate that the aforementioned inspection schedule complies with title 22, Cal. Code Regs., section 66264.15 as specified by Standardized Permit Part II(6) within thirty (30) days of the entry of this Final Judgment.

r) Failing to have a Rail Terminal Facility training plan that includes for each hazardous waste management job title: a written description of the job title, the name of the employee filling the job; and a written description of introductory and continuing training. To ensure its compliance, Romic shall develop a written training plan for the Rail Terminal Facility in accordance with title 22, Cal. Code Regs., section 66264.16 within thirty (30) days of the entry of this Final Judgment. Further, Romic shall submit a signed certificate that the aforementioned training plan complies with title 22, Cal. Code Regs., section 66264.16 as specified by Standardized Permit Part II(6) within thirty (30) days of the entry of this Final Judgment.

6. <u>Prior Administrative Partial Consent Order</u>

a) On August 1, 2000, Romic and DTSC entered into a Partial Consent Order, Docket HWCA 99/00-2005. The Partial Consent Order includes the following paragraph 10.1(e), which reads in relevant part:

> "Respondent may continue to store hazardous waste, including partially treated hazardous waste, in the following existing tanks that are identified by the labels affixed on the tanks as Tank Numbers 4, 8, 12, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 61, 64, 65, 75, B-8, AES 1, AES 2, AES

3, AES 4, until the Department resolves the other violations discovered during the Department's October 20, 25, 27, November 4, 10, 29, 1999 inspections of the Facility, and the Department's October 27, 1999 inspection of Respondent's Rail Terminal facility in Redwood City . . "

b) This Stipulation resolves all remaining violations discovered during the Department's October 20, 25, 27, November 4, 10, 29, 1999 inspections of the Facility, and the Department's October 27, 1999 inspection of Respondent's Rail Terminal facility in Redwood City.

c) The parties, and each of them, do hereby stipulate and agree that the above stated portion of Partial Consent Order, Docket HWCA 99/00-2005, paragraph 10 1(e) is hereby extended until Romic receives final authorization to operate under its currently pending Hazardous Waste Facility Permit for its East Palo Alto facility or said final authorization is denied.

d) If DTSC issues a final denial of Romic's East Palo Alto Facility Hazardous Waste Permit and all applicable rights of appeal have been exhausted:

1) The terms and conditions of this paragraph 6 shall terminate immediately;

2) Romic shall immediately cease the storage of hazardous waste in the aforementioned tanks; and

3) Romic shall submit a closure plan in compliance with title 22, Cal Code Regs , section 66265.110 for the aforementioned tanks within ten (10) days of the effective date of DTSC's final denial

7. Monetary Settlement.

Defendant agrees to pay to Plaintiff the sum of Eight Hundred, Forty-nine Thousand, Five Hundred Dollars ($849,500) for civil penalties, costs and supplemental environmental projects. Said payment of the monetary settlement for penalties, costs and supplemental environmental projects shall be due and payable as follows:

a) The sum of $526,700, as and for civil penalties, made payable to DTSC, in three separate payments The first payment of $34,700 shall be paid within thirty (30) days of entry of Final Judgment; the second payment of $208,500 shall be paid within one year of entry of Final Judgment; and the third payment of $283,500 shall be paid within two years of entry of Final Judgment. All civil penalty payments made pursuant to this Final Judgment shall be by cashier's checks, made payable the California Department of Toxic Substances Control and shall be mailed to Cashier, Accounting Office, Department of Toxic Substances Control, P.O. Box 806, Sacramento, California 95812-0806 Each check shall bear on its face the docket number of this case.

b) The sum of $122,800, as and for recovery of DTSC's costs in this matter, shall be paid by cashier's check within thirty (30) days of entry of Final Judgment This payment shall be mailed to the California Department of Toxic Substances Control and shall be mailed to Cashier, Accounting Office, Department of Toxic Substances Control, P.O Box 806, Sacramento, California 95812-0806. This check shall bear on its face the docket number of this case

c) The sum of $50,000, in the form of a supplemental environmental project, shall be deposited into the Environmental Enforcement and Training Account established by Assembly Bill 2486 (Stats. 2003, ch 1000) under the authority of Penal Code section 14301. This amount shall be paid within thirty (30) days of the entry of Final Judgment by a cashier's check made out to the "Secretary of the California EPA" and shall be mailed to Cashier, Accounting Office, Department of Toxic Substances Control, P.O. Box 806, Sacramento, California 95812-0806. Each check shall bear on its face the docket number of this case.

d) The sum of $150,000 in the form of a supplemental environmental project as

set forth below.

1) Background. Romic is currently required to maintain financial assurance for closure of its East Palo Alto facility in the amount of $1,568,155. Romic's current proposed closure cost estimate for its currently pending Hazardous Waste Facility Permit for its East Palo Alto facility is $5,475,581. Absent this Final Judgment, Romic is not obligated to fund the increased closure cost estimate of $5,475,581 until the effective date of its currently pending Hazardous Waste Facility Permit for its East Palo Alto facility.

2) Romic shall fully fund the closure cost estimate of the currently pending Hazardous Waste Facility Permit for the East Palo Alto facility and any subsequent annual inflation increases until Romic receives final authorization to operate under its currently pending Hazardous Waste Facility Permit for its East Palo Alto facility or said final authorization is denied.

3) Romic will receive a credit of $75,000 for fully funding the closure cost estimate of the currently pending Hazardous Waste Facility Permit for the East Palo Alto facility for the first year of increased closure cost funding.

4) Romic may receive an additional $75,000 credit for fully funding the closure cost estimate of the currently pending Hazardous Waste Facility Permit for its East Palo Alto facility for a second year of increased closure cost funding. The parties acknowledge that it is possible that the currently pending Hazardous Waste Facility Permit may become effective within the meaning of title 22, Cal. Code Regs., section 66271.14 before the full second year has expired. In that event, the parties agree to meet and confer about applying the prorated $75,000

amount to a supplemental environmental project including an on-site supplemental environment project. If the parties can reach agreement on the application of the prorated $75,000, the parties will seek judicial approval of such an agreement. If the parties are unable to reach agreement on an appropriate supplemental environmental project, each party shall submit to the Court its recommended supplemental environmental project proposal. The parties recommended supplemental environmental project proposal shall not exceed five pages. Each party may submit a rebuttal, not to exceed three pages, to the other party's recommended supplemental environmental project proposal. The Court shall decide between the two proposals using the then current California Environmental Protection Agency's Recommended Guidance on Supplemental Environmental Projects.

A photocopy of all checks and payments made pursuant to this Final Judgment shall be sent, at the same time, to Charlene Williams, Chief, Northern California Branch, Statewide Compliance Division, Department of Toxic Substances Control, 700 Heinz Avenue, Suite 200, Berkeley, California 94710, to James J. Grace, Office of Legal Counsel, Department of Toxic Substances Control, 1001 I Street, 23rd Floor, P. O. Box 806, Sacramento, California 95812-0806 and to G. Lynn Thorpe, Deputy Attorney General, Department of Justice, Office of the Attorney General, 1300 I Street, P.O. Box 944255, Sacramento, California 94244.

8. Matters Covered By This Stipulation and Final Judgment.

This Final Judgment settles those matters set forth in this Complaint including, but not limited to, any and all violations known or unknown based upon the facts set forth in the June 2004 Compliance Inspection Report for the East Palo Alto facility and any and all violations known or unknown identified during or derived from DTSC''s December 2004 Compliance Inspection of the Rail Terminal facility, including follow-up inspections and information requests subsequent thereto. Nothing in this Final Judgment 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 Romic except as provided herein Furthermore, nothing in this Final Judgment shall constitute or be construed as barring DTSC, or any other regulatory body, from exercising its authority under any law, statute or regulation

9. Notice.

All submissions and notices required by this Stipulation and Final Judgment shall be sent to:

DTSC: Charlene Williams
Chief, Northern California Branch
Statewide Compliance Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Romic: Namki Yi
General Manager
Romic Environmental Technologies Corporation
2081 Bay Road
East Palo Alto, California 94303

All approvals and decisions regarding any matter requiring approvals or decision under the terms of this Stipulation and Final Judgement shall be communicated in writing. No advice, guidance, suggestions or comments by employees or officials of DTSC regarding submittals or notices shall be construed to relieve Romic of its obligation to obtain the final written approvals required by this Stipulation and Final Judgement

10 DTSC Not Liable.

DTSC shall not be liable for any injury or damage to persons or property resulting from acts or omissions by Romic, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulation and Final Judgement, nor shall DTSC be held as a party to or guarantor of any contract entered into by Romic, its directors, officers, employees, agents, representatives or contractors in carrying out activities required pursuant to this Stipulation and Final Judgement.

11 Modification of Stipulation.

This Stipulation may be modified upon written stipulation of the parties hereto and upon approval by the Court

12. Application of Final Judgment.

This Final Judgment shall apply to and be binding upon DTSC and Romic, their directors, officers, employees and agents and the successors or assigns of either of them.

13. Authority to Enter Stipulation.

Each signatory to this Stipulation certifies that he or she is fully authorized by the party he or she represents to enter into this Stipulation, to execute it on behalf of the party represented, and to legally bind that party.

14. Integration.

This Stipulation constitutes the entire written agreement between the parties and may not be amended or supplemented except as provided for in the Stipulation.

15 Retention of Jurisdiction.

The Court shall retain jurisdiction on this matter for, among other things, purposes of interpretation, implementation, modification, enforcement, and termination of this Final Judgment This Final Judgment shall go into effect immediately upon entry hereof. Entry is authorized immediately upon filing

16. Counterparts.

This Stipulation may be executed in counterparts, each of which shall be deemed an original, and all such counterparts taken together shall be deemed to constitute one and the same instrument.

IT IS SO STIPULATED.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Dated: 4-5-05

By: (Original signed by Kim Wilhelm)
KIM WILHELM, Chief
Statewide Compliance Division

ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION

Dated: 4-1-05 By: (Original signed by William J. Mitzel)
WILLIAM J. MITZEL, President, Romic Environmental Technologies Corporation

APPROVED AS TO FORM:

BILL LOCKYER,
Attorney General of the State of California
THEODORA BERGER
Senior Assistant Attorney General
ROSE B. FUA
Deputy Attorney General

Dated: 3-30-05 By: (Original signed by G. Lynn Thorpe)
G. LYNN THORPE
Deputy Attorney General
Attorneys for Plaintiff
The People of the State of California, ex rel.
B. B. Blevins, Director, California Department of Toxic Substances Control

PAUL, HASTINGS, JANOFSKY & WALKER

Dated: 3-31-05 By: (Original signed by Robert P. Hoffman)
ROBERT P. HOFFMAN
Attorneys for Romic Environmental Technologies Corporation

IT IS SO ORDERED.

Dated: Apr 06 2005 By: (Original signed by John G. Schwartz)
JUDGE OF THE SUPERIOR COURT

HWCA 2006-1227

ENFORCEMENT ORDER

ATTACHMENT # 2

HWCA P2-04/05-004: CONSENT ORDER
APRIL 6, 2005

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION 2081 Bay Road East Palo Alto, California 94303-1316 EPA ID: CAD 009 452 657 Respondent.	Docket HWCA P2-04/05-004 CONSENT ORDER Health and Safety Code Section 25187

INTRODUCTION

The California Department of Toxic Substances Control (Department) and ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION (Respondent) enter into this Consent Order (Order) and agree as follows:

1.1. Site Respondent generates, handles, treats, and/or stores hazardous waste at the following site: 2081 Bay Road, East Palo Alto, California (Site).

1.2. Inspection. The Department inspected the Site on six occasions between October, 1999, and June, 2004.

1.3. Permit/Interim Status. DTSC issued Romic a five year California Hazardous Waste Facility Permit ("HWFP") on or about May 21, 1986. Romic's HWFP was modified by DTSC on or about July 23, 1990, and again modified on or about March 23, 2000, and August 1, 2000. DTSC has allowed Romic to continue to operate under its expired modified HWFP while Romic undergoes DTSC's permit renewal process.

1.4. Jurisdiction Health and Safety Code section 25187, authorizes the

Department to order action necessary to correct violations and 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. Dispute. A dispute exists regarding the violations alleged below The parties wish to avoid the expense of litigation and to ensure prompt compliance with the statutes and/or regulations cited herein

VIOLATIONS ALLEGED

2. The Department alleges the following violations:

2 1. Respondent violated Health and Safety Code section 25202, subdivision (a), California Code of Regulations, title 22, section 66270 30, subdivision (a), HWFP, sections II B and III C, subdivision (1) (a), in that Respondent stored corrosive wastes in an area only permitted for solvent wastes:

(a) On or about July 5, 2001, Respondent stored one drum of corrosive hazardous waste in Drum Sampling Area.

(b) On or about July 20, 2001, Respondent stored two drums of corrosive waste in the Drum Sampling Area.

2 2. Respondent violated Health and Safety Code section 25202, subdivision (a), California Code of Regulations, title 22, section 66270 30, subdivision (a), and HWFP, section II, subdivision (B), as set forth below.

(a) Respondent stored hazardous waste in Tanker T-17, an unauthorized container in an unauthorized area on the following dates:

(1) On or about June 29, 2001, through on or about August 18, 2001;

and,

(2) On or about June 17, 2003, through on or about June 23, 2003

(b) Respondent stored hazardous waste in the Magirus Tanker, an unauthorized container in an unauthorized area on the following dates:

(1) On or about July 5, 2001;

(2) On or about July 17, 2001; and,

(3) On or about July 23, 2001.

(c) On or about June 29, 2001, through on or about August 15, 2001, Respondent stored hazardous waste in Tanker T-4, an unauthorized container in an unauthorized area.

(d) On or about July 2, 2001, through August 7, 2001, Respondent stored hazardous waste in Tanker BT-1, an unauthorized container in an unauthorized area.

(e) On or about June 29, 2001, through October 4, 2001, Respondent stored hazardous waste in Tanker T-10, an unauthorized container in an unauthorized area

(f) On or about June 29, 2001, through August 7, 2001, Respondent stored hazardous waste in Tanker T-12, an unauthorized container in an unauthorized area.

(g) On or about December 20, 2000, through January 2, 2001, Respondent stored hazardous waste in Tanker T-9, an unauthorized container in an unauthorized area.

2 3. Respondent violated Health and Safety Code, section 25202, subdivision

(a), California Code of Regulations, title 22, sections 66270.30, subdivision (a), and 66270 42, and HWFP, section II, subdivision (G)(10), as set forth below

(a) On or about January 9, 1992, Respondent modified the permitted Liquefaction Unit without the Department's prior approval;

(b) On or about February 3, 1997, Respondent further modified the permitted Liquefaction Unit without the Department's prior approval

SCHEDULE FOR COMPLIANCE

3. Respondent shall comply with the following:

3.1.1. The terms and conditions of the Order remain in effect until a decision is made by the Department on Respondent's HWFP renewal application.

a. If a decision is made by the Department to issue Respondent a hazardous waste facility permit, the terms and conditions of the Order terminate upon the effective date of the new hazardous waste facility permit.

b. If a final decision is made by the Department to deny Respondent a hazardous waste permit and all applicable rights of appeal have been exhausted:

i. The terms and conditions of this Order shall terminate immediately on the effective date of the final denial; and,

ii. Respondent shall immediately cease operations of the units and activities authorized by this agreement; and,

iii. Respondent shall, within 10 days of the effective date of the final denial, submit a closure plan developed in accordance with the California Code of Regulations, title 22, section 66264 110, for units and activities covered by the current permit, and section 66265 110 for the units and

activities covered by this Order

c Neither the existence of this Order or the terms and conditions of this Order shall have any bearing on any subsequent permit decision by the Department.

3.1.2. In case of a conflict between the Order and the attached Respondent protocols, the most restrictive condition shall prevail.

3.1.3. Respondent shall follow procedures identified in the attached document entitled "Storage of Various Waste Types in Sampling Area" dated as revised August 1, 2002, and August 10 and 30, 2004, (Attachment A, incorporated herein by this reference) Any deviation from the procedures described in Attachment A without prior approval in writing from the Department shall constitute a violation of the Order and may be grounds for termination of this Order. Except as expressly set forth herein, Attachment A does not supercede procedures contained in Respondent's approved RCRA Part B Permit dated August 30, 1989, July 23, 1990, and March 23, 2000

a. Respondent shall unload and segregate containers from incoming vehicles by compatibility into the Sampling Area.

b. Respondent shall manage ignitable and incompatible liquid and solid wastes in the Sampling Area, in accordance with California Code of Regulations, title 22, sections 66264 17 and 66264.177, subdivision (c)

i. Respondent may elect to use containment pallets to separate incompatible wastes.

ii Respondent shall not place incompatible solid or liquid hazardous wastes within the same containment pallet.

c. Respondent may screen or sample corrosive wastes within the West Storage

Building #1. Respondent shall not conduct any screening or sampling activities outside of the West Storage Building #1 or the Sampling Area.

d. No incompatible wastes shall be placed in Row 80 of the Sampling Area or the West Storage Building #1 unless separated in accordance with standards identified in California Code of Regulations, title 22, sections 66264.17 and 66264.177, subdivision (c).

e. Respondent shall only store acids and base waste types in West Storage Building #1 as specified in Table 1 of Respondent's HWFP, modified version date of March 23, 2000.

f. Respondent shall not stack containers in the Sampling Area, except for containers of five gallon or less in capacity that may be stacked no more than two high.

g. Respondent shall not store any wastes in the Sampling Area longer than 144 hours.

h. Respondent shall maintain a 36-inch aisle space between double rows of pallets or between rows of single pallets for all wastes stored in the Sampling Area. Respondent shall maintain a 36-inch aisle space between pallets and the walls of the Sampling Area.

i. Respondent shall conduct daily inspections in the Sampling Area in accordance with Respondent's HWFP, modified version dated March 23, 2000.

j. Respondent shall operate the Sampling Area in accordance with the maximum design capacity specified in Attachment A. All containers shall be presumed to be full for determinations of compliance with permitted capacity limitations

3.1.4 Respondent shall follow procedures identified in the attached document entitled "Intra-Plant Transfers via Tanker Truck", dated as revised September 13, 2004 and October 12, 2004, (Attachment B, incorporated herein by this reference). Any deviation from the procedures without prior approval in writing from the Department shall constitute a violation of the Order and may be grounds for termination of the order.

a. Intra-plant transfers are expressly limited to the activities and waste streams identified in Attachment B.

b. Respondent shall use U.S. Department of Transportation certified vehicles for all intra-plant transfers made via tank trucks and tanker trailers. Respondent is prohibited from using non-Respondent owned tanker trailers or tank trucks owned by third parties but operated under contract by Respondent for activities identified in Attachment B.

c. Respondent must conduct all transfer activities to and from tank trucks and tanker trailers within appropriate secondary containment. Respondent must devise an appropriate secondary containment system that will fully contain all transfer activities, including the vehicle and all associated piping and connections such that the secondary containment can hold the full volume of the transfer vehicle.

d. Respondent shall restrict the use of the 1700-gallon polyethylene tank in the Truck Wash System to the receipt of and management of wastewaters or rinse waters generated from the rinsing of tanker trailers, tank trucks, intra-plant transfer vehicles and containers that are "empty" in accordance with California Code of Regulations, title 22, section 66261.7. The 1700-gallon polyethylene

tank in the Truck Wash System shall not be used to manage rinse water, wastewater, or contact water from authorized units that previously held off-site generated wastes.

e. Respondent shall not transfer off-site hazardous waste received in a tanker trailer or tank truck at the time of acceptance at the facility to any Respondent vehicle for intra-plant transfer use as defined in Attachment B.

f. Respondent shall not hold any waste in a tank truck or tanker trailer for intra-plant transfer in excess of 24 hours. The 24-hour clock begins with the placement of the first drop of waste into the tank truck or tanker trailer. Waste held in excess of 24 hours in a tank truck or tanker truck is considered unauthorized storage of hazardous waste and may be grounds for termination of this Order.

g. Respondent shall conduct inspections of all vehicles, including gauges, pumps, hoses, and lines used for intra-plant transfer on a daily basis while each vehicle is in use. Inspections shall be recorded in a manner consistent with California Code of Regulations, title 22, section 66265.15 and as noted in Attachment B to this Order.

h. Respondent shall track the disposition of all wastes, including compatibility assessments, transferred via intra-plant transfer as part of the Respondent's HWFP operating record.

3.1.5. Respondent shall operate the Liquefaction Unit in accordance with modifications submitted in attached documents entitled "Liquefaction System Changes," dated as revised September 8, 2004, (Attachment C, incorporated herein by this

reference).

a. Replace the 1992 Piping and Instrumentation Diagram (PID) P061, dated January 9, 1992 with the PID Drawing No. E-8a, dated February 24, 1997 revision 3 (12-2003) as contained in Attachment C;

b. Replace the Solids/Liquids Separation Process Flow Diagram dated June 8, 1989 with the Liquefaction Flow Diagram E-8, dated July 26, 2001, as contained in Attachment C.

c. Replace the description of the unit on pages XIV-7 and XIV-8 of the approved operation plan with the revision date of September 21, 1989 with new pages XIV-7, 7a, 7b, 7c, 7d, and XIV-8, as contained in Attachment C; and

d. Document the replacement of the blended product tank (1,000 gallon tank with Cowles Dissolver, a single shaft mixer) with the current product tank PT-1 with the capacity of 1,160 gallons.

e. Document the Liquefaction VOC system modernization based on the Shredder & Liquefaction VOC System Modernization Drawing No. E-8b PID dated February 3, 1999 revision no. 7 (12-03), as contained in Attachment C. Notwithstanding the name of the VOC System Modernization Drawing, this order does not approve the use of the Debris Shredder System.

3.1.6. Any modifications made to the Liquefaction Unit outside of those described in the previous paragraph without prior approval in writing from the Department shall constitute a violation of the Order and may be grounds for termination of the Order.

3.2. Submittals. All submittals from Respondent pursuant to this Order shall be

sent to:

Patricia Barni, Section Chief
Statewide Compliance Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2737

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications shall be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, 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.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the 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.

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

3.6. Endangerment during Implementation. In the event that the Department determines that any circumstance or activity (whether or not pursued in compliance with

this Order) creates 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 order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

3 7. 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 such further actions as are necessary to protect public health or welfare or the environment.

3 8 Site Access Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may have by operation of any law or otherwise The Department and its authorized representatives may enter and move freely about all property at 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 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 Order.

3 9 Sampling, Data, and Document Availability.

3 9 1. 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 Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order.

3.9 2. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclion of all activities under this Order.

3 9.3 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.

3.9.4. Respondent shall notify the Department in writing at least six months prior to destroying any documents retained pursuant to this section

3.10. Government Liabilities. The Department 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 4.3, in carrying out activities pursuant to this Order, nor shall the Department be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order

3.11 Incorporation of Plans and Reports. All plans, schedules, and reports that

require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department

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

3.13 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

OTHER PROVISIONS

4.1. Additional Enforcement Action By agreeing to this Order, the Department does not waive any right to take further enforcement actions or to impose penalties within its jurisdiction and involving either the Respondent(s) or the Site, except to the extent expressly provided in this Order.

4.2 Penalties for Noncompliance Failure to comply with the terms of this 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

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 by a writing duly executed by the Department and specifically referencing this document by title and docket number, or as otherwise provided in this Order

4.5 Privileges. Nothing in this Order shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

RIGHT TO A HEARING

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

EFFECTIVE DATE

6 The effective date of this Order is the date it is signed by the Department.

Dated: 4/1/05

(Original signed by William J. Mitzel)
William J. Mitzel, President
ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION

Dated: 4/6/05

(Original signed by Charlene Williams)
Charlene Williams, Chief
Northern California Branch
Statewide Compliance Division
Department of Toxic Substances Control

Technical Protocol:

Storage Of Various Waste Types In Sampling Area

STORAGE OF VARIOUS WASTE TYPES IN SAMPLING AREA

1.0 THE NEED

The "Sampling Area" is the unit designated by Romic as the location where all incoming containerized hazardous wastes are physically received, visually inspected, sampled, and staged while awaiting analytical results Many trucks come in with mixed loads; for example, a truckload could include both drums of inorganic corrosives and drums of organic solvents. Operationally, it is much more efficient to stage complete loads in the Sampling Area, rather than immediately breaking them up into different storage areas. This procedure is also more protective of the environment because the movement of waste is more streamlined, and because quality control is conducted in only one location.

Romic's Hazardous Waste Facility Permit lists "Solvents" as the waste type to be stored in the (Drum) Sampling Area. DTSC has interpreted this designation to preclude Romic from unloading complete truckloads and conducting subsequent sampling of all waste in this area Romic seeks relief from the restriction on the waste types to be stored in the Sampling Area. DTSC approval of Romic's permit renewal application will eliminate the need for this relief.

2.0 DESCRIPTION OF PRACTICE

2.1 Sampling Area

The Sampling Area is located just south of, and shares a common roof with, the South Storage Building (see Figure D-1) The "Sampling Area" was designated the "Drum Sampling Area" in the current Part B application and permit. The "South Storage Building" was designated the "South Drum Building" in the current Part B application and permit.

The area is 74 feet by 124 feet and is constructed of reinforced concrete (see attached Drawing D-4) Based on maintaining minimum 36" aisles, the area can store up to 741 55-gallon drums, which can hold 40,755 gallons of waste. The area provides sufficient secondary containment to store 40,755 gallons of waste in containers (see attached Appendix D-1 from Romic's Hazardous Waste Facility Permit renewal application). Containers of capacities other than 55 gallons may be stored in this area; at no time will the inventory of containerized hazardous wastes in the Sampling Area exceed 40,755 gallons

The Sampling Area has a separately contained isolation area, designated Row 80 Row 80 has a sixteen-inch berm constructed of reinforced concrete The attached Drawing R-80 depicts this area

The area's roof and berms prevent run-on into the area. The area is sloped so that liquids drain to a low point in the center of the area. Any liquids that may accumulate in the area are examined. If the source of the liquids can be ascertained and traced to a particular source or single waste stream, that is, the liquid is readily identifiable, the material is collected and managed in a manner appropriate to its characterization If the liquid is determined to be from multiple waste streams, or is otherwise unidentifiable, a sample is collected and analyzed in the Romic Laboratory. Accumulated liquids, once identified, are pumped, if they are present in sufficient quantity, using portable pumps or vacuum

tankers. If only a small amount is present, it may be absorbed using an appropriate absorbent such as a clay-based absorbent (e.g., "kitty litter") or vermiculite.

No portion of the Sampling Area lies within fifty feet of Romic's property line.

2.2 Waste Types

The waste types to be handled are comprised of all the wastes listed on Romic's Part A application. Romic currently receives an average of about 2,500 containers each month of various types of hazardous waste. Of this approximate number, 1,500 to 2,000 would typically contain organic/organic solvent/solvent-contaminated wastes, 200 to 300 would typically contain inorganic corrosive wastes, and 200 to 300 would typically contain miscellaneous other types of waste. These figures are approximate, and are presented to illustrate the mix of incoming containerized waste, not to set a limit on this activity.

This activity will not result in an increase in the amount of waste stored in this area. Romic's permit imposes a storage limit of 948 55-gallon drum equivalents of hazardous waste in this area at any given time. As noted above, the area can accomodate up to 741 drums in its current configuration.

2.3 Process Description

Incoming trucks bearing containerized hazardous wastes will be unloaded directly into the Sampling Area. Containers will be segregated according to compatibility, and sampled for waste acceptance purposes.

The bulk of the containerized wastes that are seen in the Sampling Area are organic liquids (e.g., solvents, ethylene glycol, oils, fuels), aqueous liquids (e.g., solvent-contaminated water, oil and water, latex paint), and non-reactive, non-corrosive solids (e.g., contaminated PPE, rags and wipes contaminated with solvents, and oil- and solvent-contaminated absorbent). These waste types are generally compatible with each other; containers of these wastes will be staged directly on the floor in the Sampling Area. Potential compatibility concerns identified during the profiling (preacceptance) stage will be taken into account when staging received drums.

The following segregation measures will be implemented for waste types not compatible with the above materials:

WASTE TYPE	SEGREGATION	RATIONALE
Corrosive (D002) acid liquids	Spill containment pallets[1,2]	To maintain physical segregation in case of release from palletized containers or from non-palletized containers
Corrosive (D002) alkaline liquids		
Oxidizers and organic peroxides (D001)		
Corrosive solids (non-RCRA, though in some cases generators overclassify as D002)	Regular pallets	To maintain physical segregation in case of release from non-palletized containers; release from container failure of solid materials is unlikely
Materials listed in Group 2-A or 3-B (except concentrated wastes in Groups 1-A or 1-B) in Appendix V of Chapter 15, Division 4.5, Title 22, California Code of Regulations		

Table Notes

1 Spill containment pallets are described in section 3.2 below. Incompatible wastes will not be stored together on the same spill containment pallet

2 Containers too large to place on spill containment pallets (e g., totes, portable tanks) will be placed in Row 80 of the Sampling Area or directly into West Storage Building #1 Incompatible wastes will not be stored together in Row 80 or in West Storage Building #1 unless physical separation (i e , appropriately sized spill pallet) is provided

Containers will subsequently be sampled in accordance with Romic's Waste Analysis Plan. All containers will remain in the Sampling Area pending analytical results. After analysis is complete, and any discrepancies have been reconciled with the generator, containers will be assigned a disposition and are moved to storage in other areas of the facility No more than 144 hours will elapse from the time a container is placed in the Sampling Area until the time that container is moved out of the Sampling Area, pursuant to Table 1 of Romic's Hazardous Waste Facility Permit. Containers placed immediately in the West Storage Building #1 will be sampled in that unit.

Containers greater than five gallons in capacity will be single-stacked. Containers of five gallons or less in capacity may be stacked to maintain efficient use of the space. Such small containers are easily moved by hand in case the need arises.

3.0 CONTROLS

3.1 Prevention of Leaks

Containers will be visually inspected as they are unloaded from transport trucks and as they are moved to and placed in Sampling Area rows. Containers with visible defects deemed to affect structural integrity (e g., major dents, leaks, missing elements) will be addressed either by repackaging the waste or placing the container itself in a salvage drum.

Containers will be handled appropriately, with proper care, to avoid unnecessary container damage.

3.2 Spill Pallets

Plastic spill containment pallets will be used to provide physical segregation of incompatibles These spill pallets conform to the Uniform Fire Code (1997) Article 80, Section 8003 1.3 4 requirements. They are designed to contain up to 60 gallons of liquid in case of a container failure. They are constructed of high-density polyethylene.

Romic will effect segregation of incompatibles by placing containers of wastes incompatible with aqueous and organic wastes on spill containment pallets. Materials that are not compatible with each other will be placed on separate spill pallets.

Lab packs will not require placement on spill pallets, as the nature of their packaging provides adequate secondary containment. Lab packs in fiberboard outer packages will be placed on pallets to avoid contact with accumulated or spilled liquids.

Spill pallets do not have sufficient capacity to provide adequate secondary containment for totes or portable tanks. If totes or portable tanks with incompatible wastes are received at Romic, they will not be placed on spill containment pallets. Instead, they will be staged in row 80 of the Sampling Area. If the containers contain corrosive wastes, they may also be moved directly to the appropriate area in the Acid/Base Warehouse (West Storage Building #1).

3.3 144 Hour Time Limit

Containers will be staged in the Sampling Area for a period not to exceed 144 hours (six days), as specified in Table 1 of Romic's Hazardous Waste Facility Permit. This is generally the time period required to complete sampling, waste approval, and disposition confirmation activities. This time limit will assure that these activities are completed in an expeditious manner.

3.4 Storage Limit/Physical Inventory

Romic's current permit imposes a storage limit of 948 55-gallon drum equivalents on this area. As noted above, the area can accommodate up to 741 55-gallon drums in its current configuration. Romic conducts a daily physical count and a weekly electronic inventory of the containers staged in this area to ensure compliance.

3.5 Emergency Preparedness and Contingency Planning

3.5.1 Emergency Preparedness

Romic will maintain 36" aisles (at a minimum) between double rows of drums, in accordance with its current Hazardous Waste Facility Permit. Romic has determined that 36" aisles are more than sufficient to allow access for equipment and personnel to respond to potential problems such as spills, or leaks.

Romic will conduct a documented inspection of the Sampling Area once each operating day. This inspection entails a visual examination for leaking or damaged containers, improper labeling, evidence of spills, and damage to secondary containment. This inspection will cover all containers in storage, the containment floor, walls, and berms, and all loading and unloading areas in the Sampling Area.

3.5.2 Contingency Planning

The staging of various types of waste in the Sampling Area will require minor changes to the facility Contingency Plan. These wastes for which this authorization is requested are already handled by the facility. The Contingency Plan already addresses emergency procedures for incidents involving all of these wastes.

The Contingency Plan does not specify the types of wastes that are located in the various areas of the plant. This is dynamic and ever-changing, and depends upon the wastes received at the facility, outbound shipments, and treatment schedules. The Contingency Plan does require the Emergency Coordinator to be familiar with "the location and characteristics of waste handled," among other aspects of facility operations. The

Emergency Coordinator can acquire this information from container labels, manifests, and the facility's computerized inventory system.

The facility will submit a permit modification request in September to modify its Contingency Plan to add acid neutralizing materials to address potential acid spills (see attached modified page VII-16, with revisions redlined). All other provisions of the Contingency Plan are sufficient to address any incidents that might occur in the Sampling Area with the staging of additional waste types.

3.6 Air Emissions Controls

The containers Romic will store in the Sampling Area will be subject to either Container Level 1 or Container Level 2 controls under 22 CCR 66265 1087. As such, they will be maintained closed unless waste is being removed from (e.g., during sampling) or added to them. No other controls are necessary.

FIGURES

Figure D-1

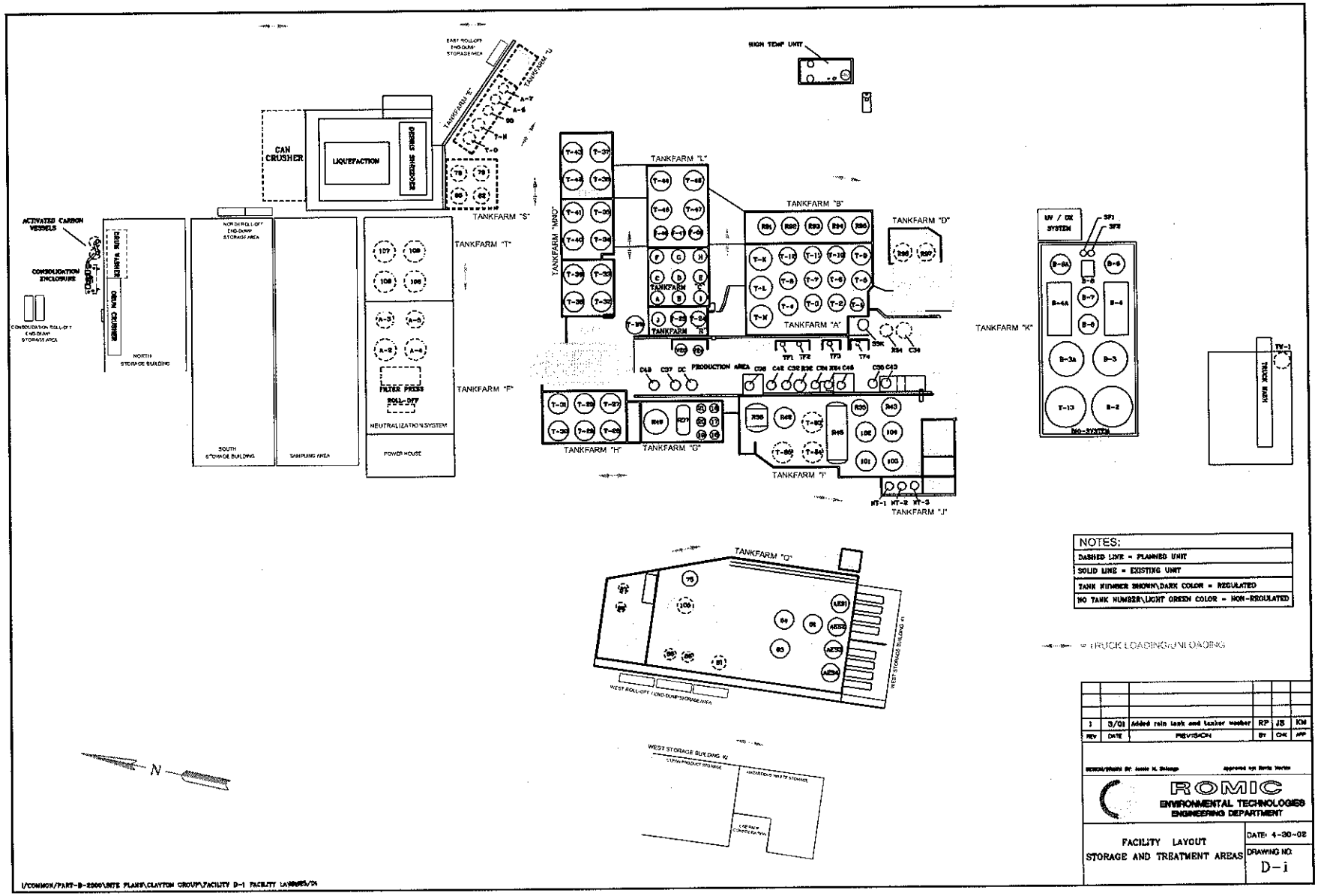
Drawing D-4

Drawing R-80

ATTACHMENTS

Appendix D-1

Revised Operation Plan p VII-16



NOTES:
DASHED LINE = PLANNED UNIT
SOLID LINE = EXISTING UNIT
TANK NUMBER SHOWN\DARK COLOR = REGULATED
NO TANK NUMBER\LIGHT GREEN COLOR = NON-REGULATED

= TRUCK LOADING/UNLOADING

REV	DATE	REVISION	BY	CHK	APP
1	3/03	Added rain tank and tanker washer	RP	JS	KM

REVISED/DRAWN BY: Jamie M. Stanage — Approved by: Kevin Hartley

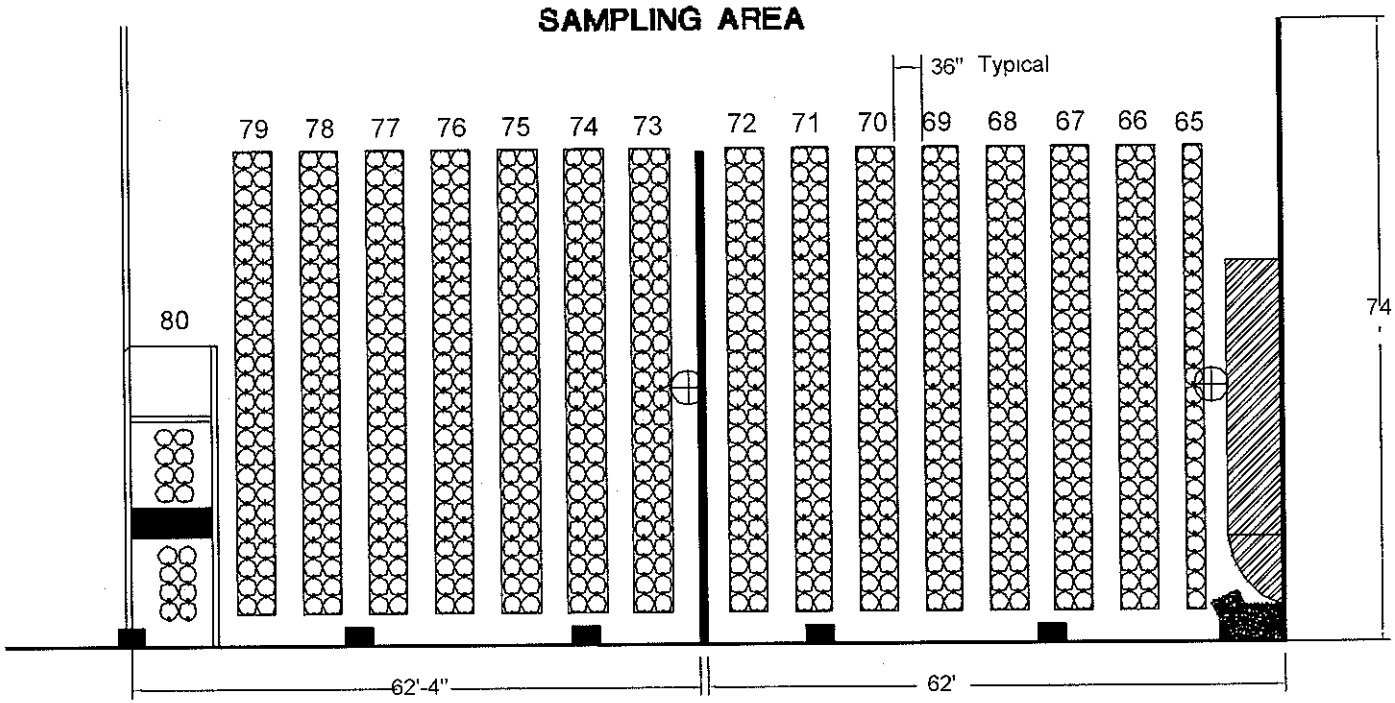
ROMIC
ENVIRONMENTAL TECHNOLOGIES
ENGINEERING DEPARTMENT

FACILITY LAYOUT
STORAGE AND TREATMENT AREAS

DATE: 4-30-02
DRAWING NO. D-i

I:\COMMON\PART-B-2000\SITE PLANS\CLAYTON GROUP\FACILITY D-1 FACILITY LAYOUTS/D1

SAMPLING AREA



⊕ = LOW POINT

SAMPLING AREA			
		All Drums	
Row #	Row Length	On Floor	Stacked
66-79	50 ft.	50/row	0
65	50 ft.	25	0
80	32 ft.	16	0
TOTAL STORAGE		741 drums on floor	

NOTE: Drum diameter is approximately 2 feet.

REV	DATE	REVISION	APP
B	8/04	[illegible]	KM
A	6/04	[illegible]	KM
C	4/03	[illegible]	KM
B	[illegible]	[illegible]	KM

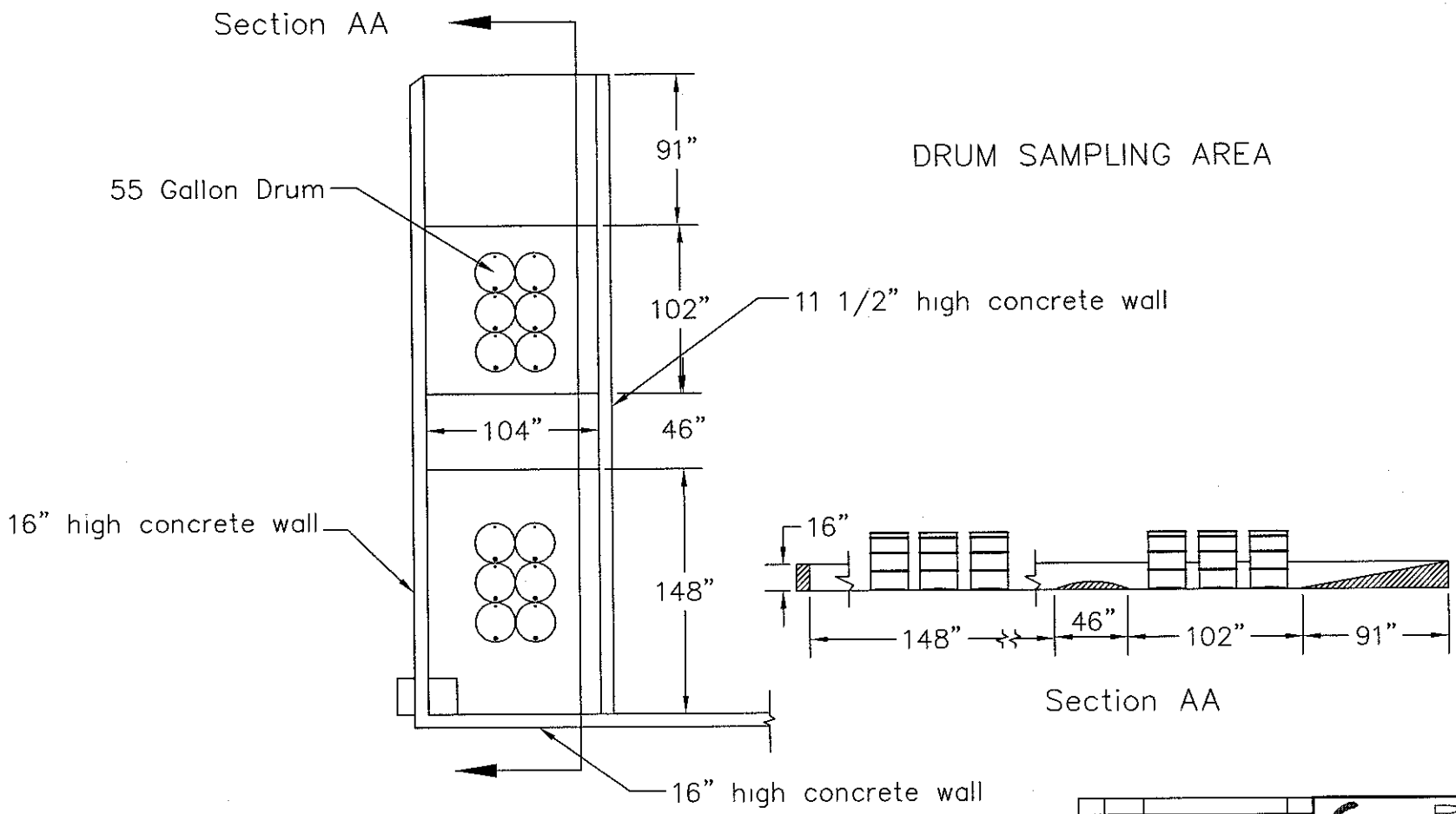
ROMIC
ENVIRONMENTAL TECHNOLOGIES
ENGINEERING DEPARTMENT

SAMPLING AREA
DIMENSIONS AND DRUM
STACKING DIAGRAM
36" AISLES

DATE: 4-17-03

DRAWING NO.
D-4

R:\ENGINEER\COMMON\PART-BB-2000\CONTAINMENT AREAS\ D-4 36 AISLE REV1



REV	DATE	REVISION	APP
0	4/03		

DRAWN BY: ROBERT T PIGNATTI

ROMIC
ENVIRONMENTAL TECHNOLOGIES
ENGINEERING DEPARTMENT

ROW 80 DETAIL

DATE: 4-15-03
DRAWING NO. R-80
SHEET 1 OF 1

R:\ENGINEER\COMMON\PART-BB-2000\CONTAINMENT AREAS\ROW 80 DETAIL

APPENDIX D-1

SECONDARY CONTAINMENT CAPACITY ANALYSIS
SAMPLING AREA

Site Conditions

1. Building is covered (allowance for containment of precipitation not necessary)
2. Building dimensions/area: 74 feet x 124 feet = 9,176 square feet
3. Curb Height: approximately 9 inches
4. Gross Containment Volume: 9,176 ft^2 x 9 in x 1 ft/12 in x 7 48 gal/ft^3 = 51,477 gal

Based on minimum 36" aisle space allowance, a total of 741 55-gallon drums (40,755 gals.) can physically fit in the Sampling Area (See Figure D-4) A maximum containerized waste inventory of 40,755 gallons will be stored in the area if containers of other sizes are stored.

Assumptions

1. 55-gallon drums are approximately 22.6 in. in diameter, for an area of 2.79 sq. ft.
2. 350-gallon totes are approximately 4 ft. by 4 ft., and are mounted on pallets or pallet-like structures.
3. Because totes are mounted on pallets, drums will displace more of the gross containment volume.

Displacement

1. A 55-gallon drum has a 2 79 ft^2 footprint
2. 741 55-gallon drums to be placed on floor (see Figure D-4 36).
3. Volume displaced = 741 x 2.79 ft^2 * 9 in. * 1 ft/12 in * 7 48 gal/ft^3 = 11,598 gal
4. Containment volume available = Gross containment volume less volume displaced: 51,477 gallons - 11,598 gallons = 39,879 gallons.

UFC Containment Volume Analysis

1. Capacity of largest container: 350 gal.
2. Fire Sprinkler Volume: 9,176 sq. ft x 0.16 gal/sq. ft /min x 20 min. = 29,363 gal.

Required Containment Volume per UFC: 29,713 gallons. OK

Title 22 Containment Volume Analysis

1. Aggregate capacity of 741 drums: 40,755 gallons
2. Capacity of largest container is 350 gallons
3. Secondary containment capacity required is 10% of aggregate storage capacity or 100% of capacity of largest container, whichever is greater.
4. 10% of aggregate capacity is 4,076 gallons.

Required Containment Volume per Title 22: 4,076 gallons. OK

TABLE 7.1 - EMERGENCY EQUIPMENT LIST (cont.)

EMERGENCY EQUIPMENT	LOCATION	OUTLINE OF CAPABILITIES
FIRE EXTINGUISHING SYSTEMS (cont.)		
Fixed 6% AFFF Foam hoses	Drum Storage Building - East and West side	Capable of fighting polar and nonpolar solvent fires
Automatic 6% AFFF Foam System	Production transfer station, Liquefaction area	Capable of extinguishing polar and nonpolar solvent fires.
7 - Fire Hydrants	East and West side of Drum Storage Building, East of Biosystem, on Tara Road - West of Product Tank Farm, NE corner of New Office Bldg., (2) along main entrance drive.	Supply water to emergency response vehicles.
SPILL CONTROL EQUIPMENT		
Absorbent	Maintenance Building, Drum Storage Building Drum Sampling Area, Fuel Blending Tanks	contain, absorb, and clean-up spills
Sodium carbonate	Drum Sampling Area, West Drum Bldg. #1	Neutralize acid spills
Open head drums	Drum Storage Building	contain contaminated absorbent
Dikes	All tank farms and drum storage areas	secondary containment
Brooms, shovels	Maintenance Shop, drum storage areas and Equipment Shed	Work with absorbent to contain spills
Portable Pumps	Equipment Shed	transfer liquids

Technical Protocol:

Intra-Plant Transfers Via Tanker Truck

INTRA-PLANT TRANSFERS VIA TANKER TRUCK

1 OVERVIEW

As a normal, integral part of TSDF operation, Romic must move waste from one location to another within its plant For example, wastes may need to be moved from containers to tanks, from tanks to other tanks, or between tanks and process units. These transfers may be accomplished through various means, including hard piping, flexible hoses, a combination of hard piping and flexible hoses, and/or tanker trucks, as discussed below.

Romic makes use of all of these options. Installing sufficient hard piping to accomplish all transfers would be infeasible and close to impossible. Thus, Romic has used tanker trucks to perform some of these intra-facility transfers for most of its history. The use of tankers for intra-facility transfers is essential for Romic's continued operation Specifically, the intra-facility transfers accomplished using tanker trucks are:

- Bulking of Containerized Wastes
- Sludge Wasting
- Pumping of Truck Wash Tank
- Removal of Sludge from Tankers
- Removal of Sludge from Tanks
- Collection of Accumulated Precipitation
- Transfer of Fuels from Liquefaction to Fuel Blending Tanks
- Transfers from/to Tanks to/from Process Units
- Transfers While Equipment Is Down
- Spill Response

Each of these transfers is described further below. These transfers may also be accomplished using means other than tanker trucks.

1.1 Bulking of Containerized Wastes

Wastes received by Romic in containers (such as 55-gallon drums) may need to be consolidated and transferred to a storage tank or process unit. Tanker trucks are used for this consolidation and transfer. Romic consolidates waste streams to be managed through fuel blending and aqueous processing in this manner.

1.2 Sludge Wasting

During operation of the biological wastewater treatment system, microorganisms multiply and die. To maintain optimal performance of the system, excess biomass, consisting of live and dead microorganisms, must be removed. Romic will use tanker trucks to remove the excess biomass. The biomass and water removed from the system will either be reprocessed through the aqueous processing system (distillation and subsequent treatment in the biological treatment system) or transferred to the facility's sewer discharge tanks.

1.3 Pumping of Truck Wash Tank

Romic's Truck Wash system cleans out the interior of tanker trucks using water sprayed through a high-pressure spray ball. The initial rinse is emptied into a 1700-gallon polyethylene tank. This tank must be emptied periodically and the contents transferred to a storage tank or process unit.

1.4 Removal of Sludge from Tankers

Tankers containing hazardous waste (received from off-site or intra-plant tankers) are normally unloaded by connecting a flexible hose to a fitting after the valve on the back of the tanker. If there is heavy material (viscous and/or high solids content) in the tanker, it may remain after normal unloading. The most efficient means of removing this heavy material is through the use of a vacuum tanker. Tankers may also be used to remove liquid waste from other tankers in case of equipment problems.

1.5 Removal of Sludge from Tanks

Heavy material, very viscous and/or laden with solids, will, from time to time, accumulate in storage and process tanks. These heavy materials are difficult or impossible to remove using ordinary means. The use of a vacuum tanker is the most feasible means of removing such materials from tanks

1.6 Collection of Accumulated Precipitation

Rainwater accumulates in containment areas as well as other areas in the plant. While some containment areas are equipped with hard piping, others can only feasibly be pumped using a tanker truck.

1.7 Transfer of Fuels from Liquefaction

The Liquefaction process unit removes viscous and/or solids-laden material from drums The removed materials are particle-sized and suspended in an organic liquid. The resulting liquid with suspended solids is managed as a hazardous waste derived fuel. The Liquefaction unit includes a 1,000-gallon holding tank for the fuel. The fuel must be transferred from this holding tank to the facility's fuel blending tanks. The Liquefaction unit was originally designed to transfer waste to a tanker truck. The unit is equipped to automatically transfer liquefied fuels to the tanker as it is blended. The unit is equipped with mechanisms to dissipate static charges on the tanker, and to create an oxygen deficient atmosphere within the tanker. The unit is programmed with interlocks that will not allow waste to be transferred to the tanker unless it is grounded and the nitrogen purge cycle has been completed. The facility has (DTSC-approved) plans to install fuel blending tanks near the Liquefaction unit, but current business conditions do not justify the capital expenditure The only feasible way to transfer the fuel from Liquefaction to Fuel Blending is by tanker truck. The facility has evaluated the idea of installing pumps and hard-piping from the Liquefaction unit to its main fuel blending tanks in Tank Farms B and A However, such a system would be prone to clogging, and would require a great deal of additional repair and maintenance work

1.8 Tank-to-Tank, Tank-to-Process Unit, Process Unit-to-Tank Transfers

Material must periodically be transferred between tanks or between tanks and process units. Most of the frequent tank-to-tank and tank-to-process unit transfers occur through a combination of piping, pumps, and flexible hoses, because the facility does not have sufficient hard piping to accomplish such transfers. There are some transfers that need to be accomplished through use of a tanker truck.

1.9 Transfers While Equipment Is Down

Tanker trucks are necessary for use as a contingency in case of equipment breakdown. Equipment breakdown scenarios may involve plugged lines, broken pumps, excess solid accumulation in tanks, or valves in need of repair.

1.10 Spill Response

In case of a spill involving a substantial amount of liquid material, the most effective response will generally entail recovery of as much liquid as possible. This is most easily accomplished for larger spills by using a vacuum truck.

2 DESCRIPTION OF PRACTICE

Tank trucks and tanker trailers are used as conveyances to transfer wastes between units and between containers and units within Romic's facility. Waste or material may be transferred from permitted or nonpermitted units Hazardous waste will only be transferred to permitted units. Waste will not be stored in tank trucks or tanker trailers. Waste may remain in tank trucks and tanker trailers for a maximum of 24 hours.

2.1 Equipment

The equipment to be used to accomplish intra-plant transfers consists of tank trucks and tanker trailers. These are the same vehicles that are used for over-the-road transportation of hazardous materials. Tank trucks are straight trucks mounted with a liquid-carrying compartment (tank). Tanker trailers are trailer-mounted tanks, and require a power unit (tractor) to move them

Both tank trucks and tanker trailers may be equipped with liquid pumps to directly pump materials, or pressure/vacuum pumps to create a differential pressure within the interior of the tank. This differential pressure causes the movement of liquid materials into or out of the tank

Table 1 lists tankers proposed for use as intra-plant transfer vehicles at this time

2.2 Locations

Tankers to be used for intra-plant transfers will be staged near the source of the waste to be transferred or the destination of the waste. Romic will wait for analytical results, if compatibility testing is necessary, before transferring material to a tank or process unit. During this waiting period, the truck will be monitored (for signs of leakage) and/or parked in an area with full secondary containment (see Section 2.3 2 below).

2.3 Secondary Containment

Romic will provide secondary containment for transfers to and from tankers using either existing bermed areas (i.e., the bay between Tank Farm MNO and Tank Farms R, C, and L, and the bay between Tank Farms R, C, and L, and Tank Farm B) or commercially available temporary secondary containment structures

The two existing areas currently do not have sufficient capacity to contain the contents of a full 5,000-gallon tanker. The permit renewal application currently under consideration by the Department includes plans for construction to increase the capacity of both areas. For the purposes of this consent order, Romic proposes to determine the capacity of each area as it is currently configured, and limit the volume in any tanker used in this area for intra-facility transfers

Temporary secondary containment units designed for applications similar to ours are readily available on the commercial market. They are made in a variety of configurations, and constructed of a variety of materials Romic will select a unit with sufficient secondary containment capacity to contain the contents of an entire tanker, constructed of materials compatible with the hazardous wastes to be transferred

2.4 Waste Streams

The primary waste streams Romic will transfer using tanker trucks fall under four categories: aqueous wastes contaminated with organic compounds, fuels-type wastes, ethylene glycol/antifreeze, and solvents. Other wastes may be transferred in unusual situations, such as in the case of an equipment breakdown (see §1 9 above) or spill response (see §1.10 above). The three primary waste types are those handled at the Romic facility in bulk.

2 4 1 Aqueous Wastes Contaminated With Organic Compounds

These are wastes containing primarily water, with organic compounds and inert solids These wastes typical exhibit the following characteristics:

CHARACTERISTIC	RANGE
pH	4–12
Specific gravity	0.9–1.1
Hazardous characteristics	Ignitable, Toxic

Typical composition range for these wastes is as follows:

CONSTITUENT	RANGE
Water	30–75%
Inert solids	0–10%
Oils	0–15%
Nonhalogenated organic solvents[1]	0-50%
Halogenated organic solvents[2]	0-25%
Other organic constituents[3]	0–50%

[1] Nonhalogenated organic solvents include n-methyl pyrrolidone, methanol, isopropanol, butanol, butyl cellosolve, methyl ethyl ketone, methyl isobutyl ketone, acetone, and hexane.

[2] Halogenated organic solvents include dichloromethane and perchloroethylene

[3] Other organic constituents include gasoline, kerosene, diesel, amines

2 4 2 Fuels-Type Wastes

These are wastes, predominantly organic in nature, that have BTU content and can be blended into a fuel for use by authorized cement kilns or other boilers and industrial furnaces. They typically exhibit the following characteristics:

CHARACTERISTIC	RANGE
pH	4–12
Specific gravity	0.7–1.2
Hazardous characteristics	Ignitable, Toxic

Typical composition range for these wastes is as follows:

CONSTITUENT	RANGE
Water	10–50%

Inert solids	0–30%
Oils	0–50%
Nonhalogenated organic solvents[1]	0-50%
Halogenated organic solvents[2]	0-20%
Other organic constituents[3]	0–50%

[1] Nonhalogenated organic solvents include n-methyl pyrrolidone, methanol, isopropanol, butanol, butyl cellosolve, methyl ethyl ketone, methyl isobutyl ketone, acetone, and hexane.

[2] Halogenated organic solvents include dichloromethane and perchloroethylene

[3] Other organic constituents include gasoline, kerosene, diesel, amines.

2.4.3 Used Glycol/Antifreeze

Romic processes waste automotive antifreeze and other spent glycol solutions to recover glycol for reuse/resale. The predominant glycol recycled at Romic is ethylene glycol, the primary active substance in automotive antifreeze. Romic also recycles some triethylene glycol and propylene glycol, to a lesser extent. Waste antifreeze streams typically exhibit the following characteristics:

CHARACTERISTIC	RANGE
pH	5–9
Specific gravity	1.0–1.1
Hazardous characteristics	Toxic

The waste streams as received are typically 30–50% glycol, 50–70% water, with small amounts (< 5%) of other contaminants and antifreeze additives. Other contaminants include oil and inert solids. Antifreeze additives include corrosion inhibitors and stabilizing agents

2.4.4 Solvents

These are wastes, predominantly organic in nature, comprised of contaminated and/or partially purified solvents. Contaminants include oil, grease, water, paint pigments, and inert solids. Current predominant solvent lines, their respective chemical compositions (exclusive of contaminants), and characteristics are listed below

SOLVENTS	CHEMICAL COMPOSITION	SPECIFIC GRAVITY	HAZARDOUS CHARACTERISTICS
Lacquer thinner	Alcohols 0-25% Ketones 10-35% Esters 50-60% Glycol ethers 10-15% Aliphatics 10-20% Aromatics 8-20%	< 1	Ignitable, Toxic
nmp	n-methyl pyrrolidone ~100%	~ 1	Toxic
Acetone	Acetone ~100%	< 1	Ignitable

2.5 Shutdown

At the end of each transfer operation, the operator will "clear the line" by continuing to operate the pump until all lines (hoses and piping) are clear. Valves will be closed in proper sequence to allow material to be removed from the line and to prevent material from flowing back into the line.

3 *Controls*

3.1 Engineered Controls

Overfill prevention Vacuum tankers are equipped with a float valve that prevents material from entering the tanker when the liquid level reaches the designated high level.

Material Of Construction, Compatibility With Materials To Be Handled. Tankers to be used for intra-facility transfers will be constructed of carbon steel or stainless steel. Both of these materials are compatible with the organic and aqueous wastes that will be transferred.

Structural Integrity. Tankers used for intra-facility movements will meet US DOT standards for cargo tanks transporting hazardous materials. These tankers will be subject to the ongoing qualification requirements in the US DOT Hazardous Materials Regulations.

Secondary Containment As noted above in Section 2.3, Romic will use either existing secondary containment structures or temporary secondary containment apparatus sufficient to contain the full volume of a transfer.

Spill Response Equipment. Emergency equipment is located throughout the facility, including (loaded) truck parking areas, and particularly in locations where waste transfers occur. Emergency equipment capabilities and locations are listed in the facility's Contingency Plan, Section VII of the approved Operation Plan.

3.2 Administrative Controls

Twenty-four Hour Limit. Romic will hold waste on intra-facility tankers for no longer than 24 hours during each transfer event. This comports with historical USEPA guidance directed toward recycling facilities that states that, according to some States and Regions, storage permits are not required for holding waste for up to 24 hours prior to recycling.

Compatibility, Contents/Residues. The materials to be transferred, as detailed in section 2.3 above, are generally compatible with each other. However, prior to each transfer, a Romic supervisor or manager will evaluate whether a concern of incompatibility exists. If such a concern exists, then additional steps such as bench scale testing or washing of the tanker will be taken.

Equipment Inspection. Tankers used for intra-facility transfers will be inspected daily. Each inspection will be documented and will cover the following:

INSPECTION ITEM	TYPE OF PROBLEM
Tanker Shell	Damage, corrosion, leak
Pump Motor/Pump	Not operating, leaking; Fluid level low
Vacuum Gauges	Not operating

Float (level) Gauges	Not operating
Valves	Not operating, leaking
Hoses and fittings on truck	Damaged, leaking
Evidence of leaks or spills	Pooled liquids, staining of concrete, dripping liquids, visible vapors

In addition, prior to initiating a transfer, employees will be instructed to locate the appropriate spill control and emergency equipment in the vicinity of the transfer. This emergency equipment is subject to regular documented inspections in accordance with the facility's inspection plan.

TABLE 1. Romic Tankers

D.O.T. RATING	BOBTAIL TRAILERS	UNIT #	VIN #	LICENSE #
SATISFACTORY	1998 Peterbilt Bobtail Tanker	BT-4	3BPNL79X4WF465882	5T25441
D.O.T. RATING	**S.S. TRAILERS**	**UNIT #**	**VIN #**	**LICENSE #**
SATISFACTORY	1972 Merit Tank Trailer	S-01	2171	VS9264
SATISFACTORY	1977 West Mark Tank Trailer	S-02	6836	4AY7621
SATISFACTORY	1986 West Mark Tank Trailer	S-04	16WTA1237GC117123	YC9972
SATISFACTORY	1990 West Mark Tank Trailer	S-05	16WTA1233LC122684	1VA6124
SATISFACTORY	1987 West Mark Tank Trailer	S-06	16WTA2234HC118513	1UT5235
D.O.T. RATING	**VAC. TRAILERS**	**UNIT #**	**VIN #**	**LICENSE #**
SATISFACTORY	1971 Thompson Tank Trailer	T-01	TTM878	4AB8229
SATISFACTORY	1974 Thompson Tank Trailer	T-02	TTM934	4DB3494
SATISFACTORY	1984 West Mark Tank Trailer	T-06	16WTS2254EC114479	4CX7317
SATISFACTORY	1987 Thompson Tank Trailer	T-08	1T9TD3925H1068805	1UC3541
SATISFACTORY	1993 Thompson Tank Trailer	T-16	1T9TD3924N1068255	1WM9545
SATISFACTORY	1982 CTM Tank Trailer	T-11	1W9TLS3N6C1021031	4CK9205
SATISFACTORY	1992 ACRO Tank Trailer	T-15	1A9114226N1005085	4CX7086
SATISFACTORY	1994 ACRO Tank Trailer	T-18	1A9114229R1005068	4CV4794
D.O.T. RATING	**BOBTAIL TANKERS**	**UNIT #**	**VIN #**	**LICENSE #**
SATISFACTORY	1995 Peterbilt Tanker	AES-7	1XPMH77X8SM608803	5P45454
SATISFACTORY	1990 Peterbilt Tanker	AES-8	9DWMT7J03LC015414	4C22060
SATISFACTORY	1996 Peterbilt Tanker	AES-10	1XPMH77X2TM609317	CP53565
SATISFACTORY	1991 Peterbilt Tanker	AES-11	9DWXTH9T8MCM00048	4H08763
SATISFACTORY	1991 Peterbilt Tanker	AES-12	9DWXTH9T4MCM00449	4L07058
SATISFACTORY	1996 International Tanker	AES-15	1HTHCAHR9TH389930	5J57319

Technical Protocol

Liquefaction System Changes

LIQUEFACTION SYSTEM CHANGES

The Department alleges that Romic has made changes to its Liquefaction process unit without modifying relevant portions of its Operation Plan This technical protocol describes the Liquefaction process and process unit as it currently exists and is operated. In order to settle the allegation referred to above, this technical protocol when ratified into a consent order, will serve as the authorization basis for the currently configured Liquefaction system.

The technical protocol takes the form of modified pages in the Operation Plan The Operation Plan is effectively modified as follows:

- Page XIV-7 revised
- New pages XIV-7a through XIV-7d added
- Page XIV-8 revised
- New Figures E-8, E-8a, and E-8b added

4. Alternative Fuels Blending

One of the most cost effective methods for handling waste solvents is to blend the solvents as a fuel for use in a cement kiln. Alternative fuels may be derived from five possible sources, these include:

i. Still bottoms from the thin film evaporators

ii Bottoms materials left in reboilers in the fractionation process,

iii. Overhead product from the thin film evaporators,

iv Incoming wastes which do not require processing,

v. Liquids developed from the liquefaction process

Wastes from the five sources listed above are blended in agitated tanks The specific quantities of waste from each source is dependent upon:

1. The BTU value of the waste
2. Viscosity,
3. Chloride content
4. Water content
5. Percent solids

Quality control to meet cement kiln specifications is maintained through extensive analytical testing. The laboratory analyzes each waste stream to be blended and specifies the quantities from each source which will result in a suitable fuel. Once blended the solvent mixture is again tested to confirm the composition and compliance with the required specifications set forth by the cement kiln.

5 Liquefaction

Liquefaction is the process at Romic that liquefies sludges and other residues that remain in drums in a manner that ensures the drum is emptied and cleaned.

Waste Types

All waste material processed in the liquefaction system must have sufficient heat and/or organic content. Waste types that are typically processed in the liquefaction system are paint sludges, waxes, greases, contaminated absorbent, and other RCRA sludges Typical RCRA waste codes to be managed in these units include F001, F002, F003, F004, F005, D001, D004-D011, D018, D019, D021-D030, D032-D036, D038-D040, and D043.

Storage Prior to Processing

Prior to processing in the Liquefaction Unit, waste materials will be stored within the originally received container (such as a 55-gallon drum). Such containers may meet the definition of RCRA-empty but would probably not meet the California definition of empty in 22 CCR 66261 7. The containers will be stored in authorized waste storage areas prior to being staged near the Liquefaction process. Wastes to be managed through liquefaction received in containers other than 55-gallon steel drums may be repackaged into 55-gallon steel drums.

Processing Equipment Used

The processing equipment for Liquefaction is shown in the table below:

UNIT NAME	MAJOR COMPONENTS (vessel capacity in gallons)	LOCATION1	ANCILLARY EQUIPMENT
Liquefaction	Liquefaction Enclosure and Shredder	Drum and Debris Processing Building	VOC system, raw material feed rollers, cyclone separator, fire suppressant system, drum de-header, pumps, and transfer hoses
	Second and Third stage Grinders	(same)	
	Tank PT-1 (1,160)	(same)	

The piping and instrumentation diagram for the Liquefaction process system is shown in the figure, Drum Liquefaction System, Piping & Instrumentation Diagram

Liquefaction Process Description

A process flow diagram for liquefaction is provided in Figure E-8. A piping and instrumentation diagram (P&ID) illustrating the apparatus is provided in Figure E-8a (revision date 12-03).

Liquefaction is an important recycling step at Romic. The process treats containers to remove sludges and other residues so that the container can meet the classification as an empty container. The containers are cleaned so that they can be reconditioned off-site or further processed on-site before being recycled as scrap metal. The recovered sludges are recycled as hazardous waste fuel after Fuel Blending.

This process liquefies sludges that originate from a variety of sources. Many drums shipped to Romic contain significant amounts of sludge, which may settle to the bottom of drums. Drums that contain sludge are typically pumped to remove free liquids. Once the free liquids are removed, the drum is moved to the liquefaction area for further waste removal and processing. The Liquefaction Unit can also handle full drums of materials that may otherwise be difficult to remove.

For open-top drums the lid is simply removed by an operator. Bung-top or closed-head drums require that the head be cut off the drum by an operator using non-sparking tools. Once the head is removed, the sludge is mechanically removed from the drum using an

auger and/or a hydraulic scraping blade. In some instances both ends of the drum may be removed to remove sludge.

After the head of the drum is removed, it is placed into the enclosed drum cleaning system. The drum is held in place by a mechanical assembly during the automated cleaning process. Wiper blades are first inserted into the drum to scrape residues from the drum surface. The scraping is assisted by a light solvent, such as light product, that is recovered in certain distillation operations, such as the distillation of wastewater. After the scraping cycle, brushes are automatically placed into the drum and moved across the inner surface of the drum to clean it. The cleaning action is assisted by diesel that is injected into the drums.

During both the scraping and brushing cycles, any solids in the drum that are removed fall into the integral solids shredder assembly located beneath the drum enclosure. The shredder reduces the size of any solids until they can pass through a screen. Some of the material (solid/semi-solid) rejected by the screen is pumped to a separator and subsequently to a 55-gallon steel drum. This steel drum will be processed through liquefaction. A nitrogen purge is used to enhance safety by serving to suppress fires. The liquid and solids that pass through the coarse shredder go through a three stage grinding process to progressively reduce the particle size. After the final grinding stage, the liquid and small solids are pumped to the product tank, PT-1, which has an internal mixer. The waste solids are pumped through another grinder to further reduce particle size before being placed in a yard tanker for transfer to the Fuels Blending System. The transfer of PT-1 to the Fuels Blending System may also be by hard-piped connections.

A vapor recovery system is used to recover solvent/diesel vapors from the Liquefaction Enclosure and shredder/grinder equipment. This system is further discussed below. The system includes a condenser, diesel scrubber, and activated carbon.

An emulsifying agent may be added to the product tank to help maintain the solids in suspension. After thorough mixing, the liquid in the circulation tank is sent to the Fuel Blending process.

The Liquefaction process was originally designed to transfer the liquefied fuels to a tanker truck parked in the area just south of the process system. Romic plans to install fixed storage tanks in close proximity to the process system. Until these tanks are constructed, Romic will continue to use tanker trucks to transfer material from the liquefaction process to fuels blending tanks elsewhere in the facility.

A tanker truck, preferably one equipped with internal agitation, is parked in the area south of the Liquefaction process. Operators connect a flexible hose between the tanker and a fitting that is piped to the Liquefaction Product Tank (PT-1). The tanker is then grounded, and any static differential allowed to dissipate. The nitrogen purge cycle on the Liquefaction process is initiated, inerting the atmosphere within the tanker. Liquefied fuels are pumped from PT-1 to the tanker truck by a pump that activates, either automatically or manually, when the contents in PT-1 reach a preset level.

Management of Residuals

The Liquefaction Process generates some residual materials as described above. These waste residuals and their usual disposition are:

- Empty Clean Drums – Drums exiting the Liquefaction Process are now empty in accordance with Federal and California regulations and are excluded from further hazardous waste regulation They are sent for reconditioning (if the drum is in good condition) or scrap metal recovery.
- Liquefied Sludge/Solids – Liquefied sludge/solids is recycled for fuel value through use of the on-site Fuels Blending system, which produces a hazardous waste fuel that is shipped off-site for combustion by cement kilns or other licensed boilers or industrial furnaces
- Diesel –Diesel from the Liquefaction vapor recovery system is recycled for fuel value through the on-site Fuels Blending process.
- Activated Carbon – Activated carbon from the vapor recovery system will be either sent off-site for recycling or managed on-site in a DTSC authorized waste management unit.

Process Rate

The maximum treatment capacity of the Liquefaction System is 400 drums/day

Air Emissions and Controls

Regulatory Applicability

The tanks associated with the liquefaction process are subject to the requirements of Article 28.5 (of Chapter 15 of Title 22 of the California Code of Regulations). As such they are equipped with appropriate controls These tanks manage hazardous wastes below the vapor pressure levels specified in § 66265.1084(b)(1)(A) These tanks are vented through a closed-vent system to a control device that includes a venturi scrubber, nitrogen-cooled condenser, and two carbon canisters This air emission control system is depicted in Figure E-8b (revision date 12-03) The tanks are maintained closed except when adding or removing waste.

Safety Measures for the Liquefaction Process

In addition to the normal systems in place to handle ignitable waste, the Romic Facility's Liquefaction System utilizes additional fire protection systems to prevent the ignition of ignitable waste. The following summarizes the protective systems used in the Liquefaction System.

System Grounding

The Liquefaction System steel structure is bonded to the building, which, in turn, is grounded to reduce sparking potential.

Nitrogen Purge During Operation

During the operation of the Liquefaction System, drums are placed in the dumping chamber and the oxygen content of the atmosphere within the chamber is reduced through the addition of nitrogen. The addition of nitrogen produces an atmosphere that will not support combustion if a spark were to be created during the drum emptying process. The control of the air emissions from the dumping chamber is enhanced with a venturi that creates a slight vacuum within the system The displaced vapors and air are

processed in a pollution control system described in Romic's BAAQMD Permit. In summary, the abatement equipment scrubs the vapors using a venturi type scrubber with diesel The vapors are then chilled with condensed vapors collected and returned to the liquefaction system Non-condensed gases are finally passed through two carbon drums in series In addition, nitrogen is introduced into the product blend tank where the final mixing is conducted prior to discharge to a tanker

Nitrogen Purge During Shutdown

When the Liquefaction System is not in operation, nitrogen will be introduced into the drum-dumping chamber and the blended product tank. Nitrogen will flow only if the system is off and the doors to the drum-dumping chamber are closed. The nitrogen is introduced at an approximate rate of 30 - 60 cubic feet per hour.

Tanker Loading

Once the Liquefaction System has produced a liquefied fuel through the grinding, shredding and resuspension processes, the fuel is ready for transfer to a yard tanker truck. Prior to initiating a transfer, the truck will be purged with nitrogen to produce an inert atmosphere. The tanker truck is grounded to allow any static charges to be dissipated.

Unless the nitrogen purge process is completed, the discharge pump from the blend tank will not operate. In addition, the pump cannot be activated until the nitrogen flow switch and associated timer detects 10 minutes of flow of nitrogen. Once the nitrogen flow has been completed, the system will allow the discharge pump to be activated.

6 Drum Rinsing/Decontamination

While not a RCRA regulated activity, Romic believes that the drums considered empty as per the definition in 40 CFR 261.7 still represents a potential hazard to the environment and must be properly managed as specified by California regulations.

Drums are decontaminated in one or more of the following manners

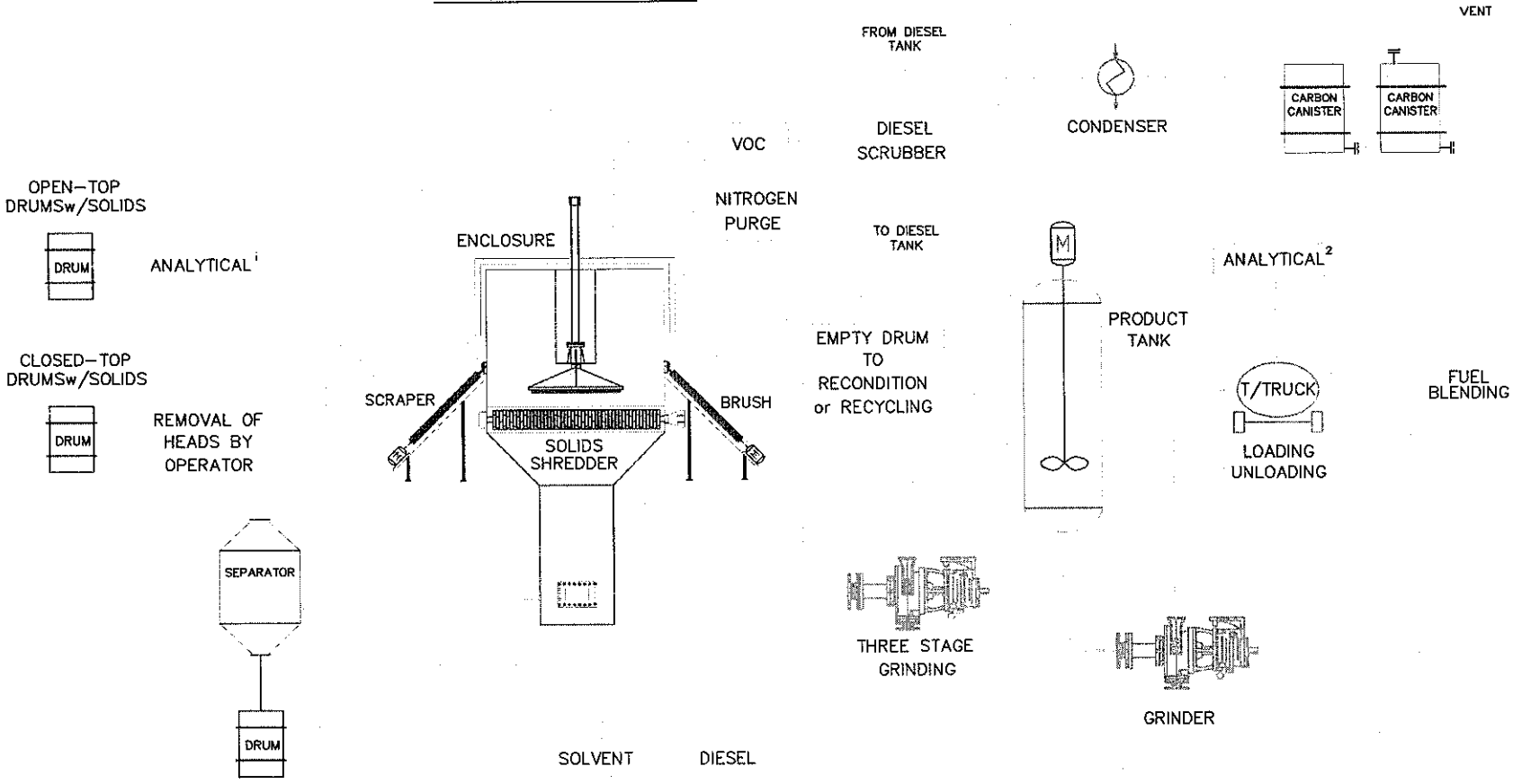
a The drums may be pressured washed with water,

b. The drums may be pressured washed with a solvent,

c. The drums may be caustic washed

The three systems described above are similar in design in that the wash solvent is continually recycled until it is no loger effective as a decontaminating solution. At that point it is processed in one of the appropriate treatment units located on site

LIQUEFACTION



FOOTNOTES

1. For acceptance analysis requirements see Waste Analysis Plan
2. BTU, pH, PCB's

REV	DATE	REVISION	APP

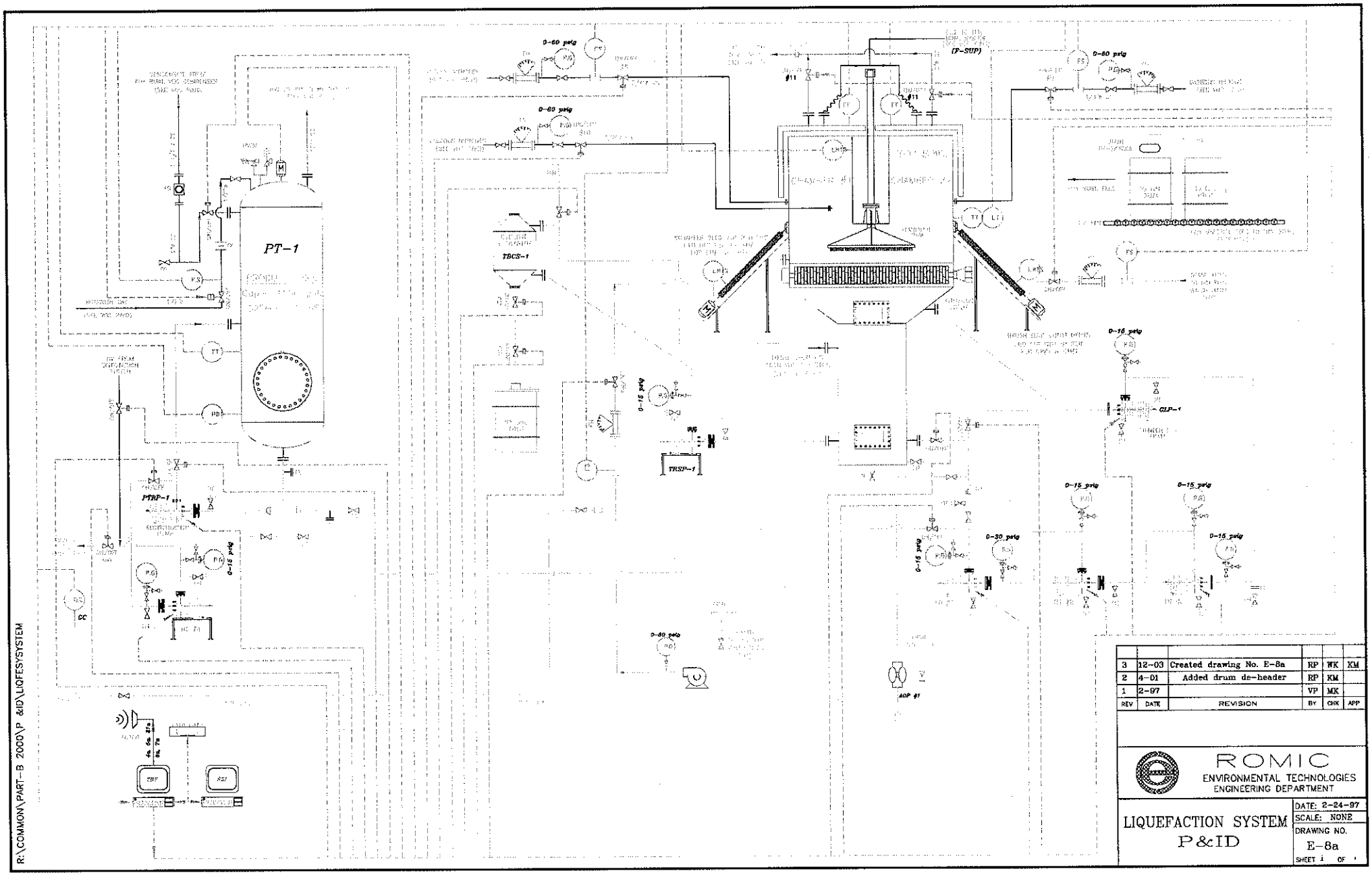
DRAWN BY: ROBERT PIGNATTI

ROMIC
ENVIRONMENTAL TECHNOLOGIES
ENGINEERING DEPARTMENT

LIQUEFACTION FLOW DIAGRAM

DATE: 7-26-01
SCALE: NONE
DRAWING NO. E-8

I:\COMMON\PART-B-2000\PROCESS FLOW DIAGRAMS\ E-8 Consent Order



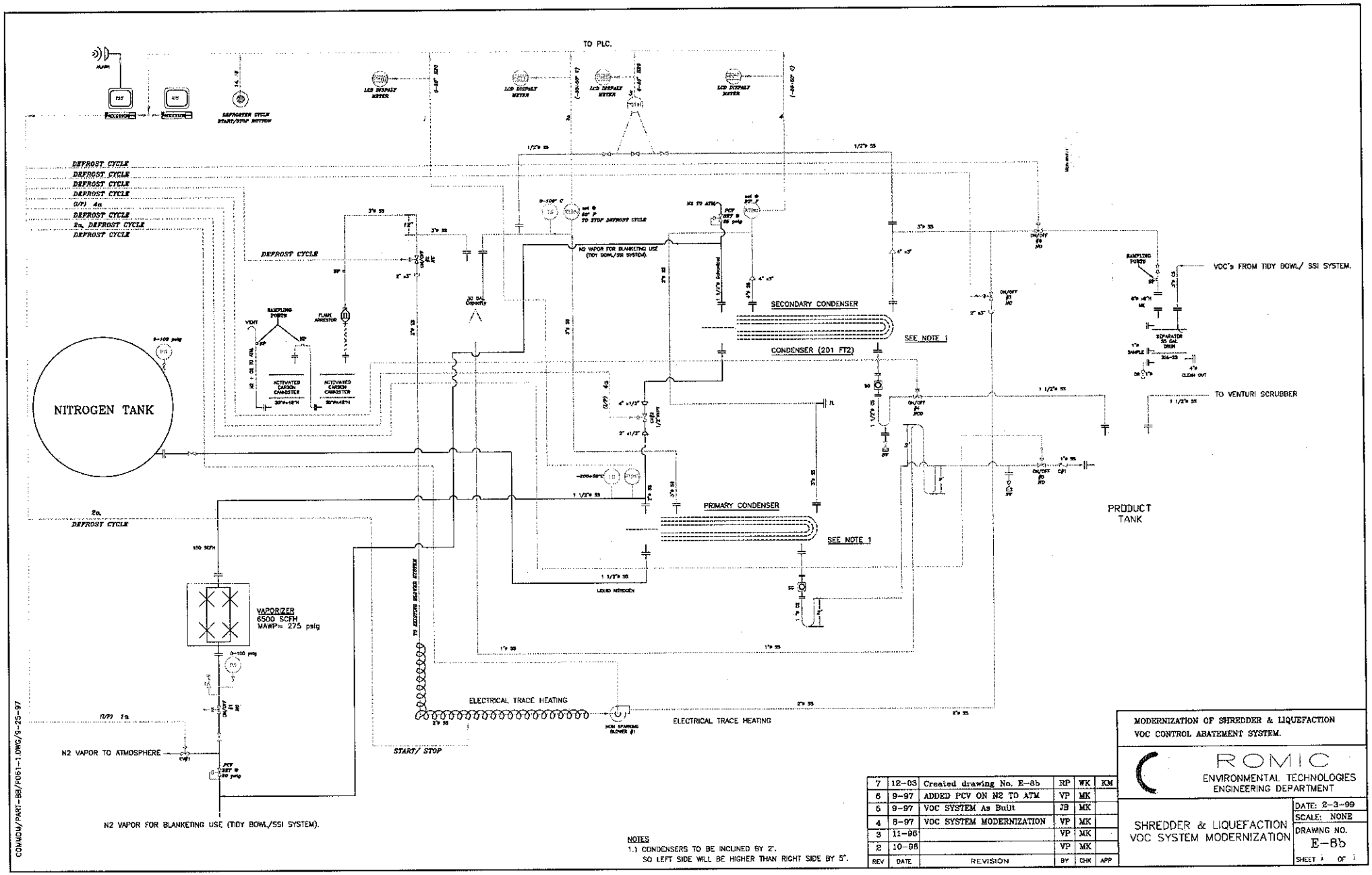
REV	DATE	REVISION	BY	CHK	APP
3	12-03	Created drawing No. E-8a	RP	WK	KM
2	4-01	Added drum de-header	RP	KM	
1	2-97		VP	MK	

ROMIC
ENVIRONMENTAL TECHNOLOGIES
ENGINEERING DEPARTMENT

LIQUEFACTION SYSTEM
P&ID

DATE: 2-24-97
SCALE: NONE
DRAWING NO.
E-8a
SHEET 1 OF 1

R:\COMMON\PART-B 2000\P &ID\LIQFESYSTEM



NOTES
1.) CONDENSERS TO BE INCLINED BY 2°.
SO LEFT SIDE WILL BE HIGHER THAN RIGHT SIDE BY 5°.

REV	DATE	REVISION	BY	CHK	APP
7	12-03	Created drawing No. E-8b	RP	WK	KM
6	9-97	ADDED PCV ON N2 TO ATM	VP	MK	
5	9-97	VOC SYSTEM As Built	JB	MK	
4	8-97	VOC SYSTEM MODERNIZATION	VP	MK	
3	11-96		VP	MK	
2	10-96		VP	MK	

MODERNIZATION OF SHREDDER & LIQUEFACTION
VOC CONTROL ABATEMENT SYSTEM.

ROMIC
ENVIRONMENTAL TECHNOLOGIES
ENGINEERING DEPARTMENT

SHREDDER & LIQUEFACTION
VOC SYSTEM MODERNIZATION

DATE: 2-3-99
SCALE: NONE
DRAWING NO.
E-8b
SHEET 1 OF 1

COMMON/PART-BB/PO61-1.DWG/9-25-97

HWCA 2006-1227

ENFORCEMENT ORDER

ATTACHMENT # 3

HWCA 20061171: CONSENT ORDER TO CORRECT VIOLATIONS
JUNE 15, 2006

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION 2081 Bay Road East Palo Alto, California 94303-1316 EPA ID: CAD 009 452 657 Respondent.	Docket HWCA 20061171 CONSENT ORDER TO CORRECT VIOLATIONS Health and Safety Code Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Further Orders. This Order is based only on the information currently available concerning the events described herein. The Department has not concluded its investigation and analysis of those events. As that investigation and analysis continues, the Department will issue any and all further orders appropriate for the protection of public health and the environment.

1.3. Enforcement and Penalties. The Department does not waive any right to take enforcement actions within its jurisdiction involving either Respondent or the Site, or to impose penalties for the violations described in this Order.

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1 4. Site. Respondent generates, handles, treats, stores, and/or transfers hazardous waste at the following site: 2081 Bay Road, East Palo Alto, California (Site)

1.5. Authorization Status The Department issued Romic a five year California Hazardous Waste Facility Permit ("HWFP") on or about May 21, 1986 Romic's HWFP was modified by the Department on or about July 23, 1990, and again modified on or about March 23, 2000 Romic's HWFP was further modified by the terms of Consent Orders issued August 1, 2000 and April 6, 2005 Romic's HWFP expired on May 21, 1991 and Romic timely filed its application for renewal. As required by regulation, the Department has allowed Romic to continue to operate under the terms and conditions of its expired modified HWFP while Romic undergoes the permit renewal process.

1 6. Jurisdiction. Health and Safety Code, section 25187, subdivision (a), authorizes the Department to order action necessary to correct violations 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

1.7 A dispute exists between the parties regarding the alleged violation

2. VIOLATIONS ALLEGED

2 1. The Department alleges the following violation:

2.1.1 Respondent violated California Code of Regulations, title 22, section 66264.31, in that, on or about June 5, 2006, Respondent failed to operate the facility in a manner to minimize the possibility of a release of hazardous waste or hazardous

waste constituents to air, soil, or surface water which could threaten human health or the environment Specifically, the following events occurred:

a) Hazardous waste in a fuel blending tank was released on-site via the tank's pressure relief valve; and,

b) Shortly thereafter, hazardous waste fuel contained in a parked tanker truck was released from the tanker's pressure relief valves The tanker contained hazardous fuel blended waste that originated from the fuel blending tank that had the earlier release of hazardous waste As a result of the release from the tanker truck, hazardous waste was released both on-site and off-site.

The events described in this paragraph are hereinafter referred to as the "*Incidents*."

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1 Respondent shall cease all fuel blending operations not expressly authorized in paragraph 3.1.2 below, until it has fully complied with the provisions of paragraph 3.1.5 below and the Department has approved the report described therein. This prohibition includes, without limitation, the blending of any hazardous waste that has been received from off-site, in either containers or tanker trucks, for the purpose of fuel blending

3.1.2 Respondent may only fuel blend hazardous waste residues and still-bottoms generated from its on-site solvent recycling operations, ethylene glycol recycling, liquefaction operations, and waste water treatment Respondent shall

conduct chemical compatibility testing prior to placement of any said residue or still-bottom into an authorized fuel blending tank Respondent shall conduct chemical compatibility testing whenever these separate waste streams will be commingled to ensure that all waste streams are compatible.

3.1.3. Respondent is prohibited from adding bio-sludge generated from any process into any fuel blending vessel until it has fully complied with the provisions of paragraph 3.1.5 below and the Department has approved the report described therein.

3.1.4. Respondent is prohibited from accepting any waste stream containing hydroxylamine at any concentration until it has fully complied with the provisions of paragraph 3.1.5 below and the Department has approved the report described therein.

3.1.5. Within thirty days of the issuance of this Order, Respondent shall:

a. investigate the above described *Incidents* and determine the cause of each of the *Incidents*;

b. determine what measures are necessary to prevent re-occurrence of the *Incidents*; and,

c. prepare and submit to the Department a written report detailing the above determinations for each of the *Incidents*.

3.1.6. Within sixty days of the issuance of this Order, Respondent shall prepare and submit to the Department a comprehensive written report, *including all supporting* and associated documentation, describing in detail all material facts concerning the *Incidents*, including, without limitation:

a. the events constituting and causing the *Incidents*;

b. the chemical substances and volumes of each substance placed into the tank and tanker, based on analytical records, at the time of the *Incidents*;

c. residual chemical substances (including the sources of the residues), manifests, analytical records and the amounts, remaining in the tank and tanker prior to the placement of wastes into each leading up to the incidents, including any transport vehicle used to transfer waste;

d. the sources, manifests and volumes of all chemical substances placed into the tank and tanker prior to the incidents and remaining in the tank and tanker following the *Incidents*;

e. any and all documents discussing the impacts of the *Incidents* on Respondent's volatile organic collection system;

f. all handling and/or treatment of said chemical substances from the time of their arrival at Respondent's facility until the conclusion of *Incidents*;

g. all emergency procedures implemented in response to the *Incidents*;

h. all actions undertaken by Respondent to remediate the *Incidents*;

i. any policies and procedures that failed in response to the *Incidents* and any changes made to said policies and procedures;

j. any conditions or other requirements of Respondent's existing permit, or any modification thereof, that failed in response to the *Incidents* and any recommendations for changes to said conditions or requirements; and,

k all measures undertaken or planned to prevent a re-occurrence of the *Incidents*.

3 2. Submittals. All submittals from a Respondent pursuant to this Order shall be sent to:

Patricia Barni, Section Chief
Statewide Compliance Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2737

3.3. Communications All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by the appropriate Branch Chief, or his/her designee No informal advice, guidance, suggestions, or comments shall relieve Respondent of its obligation to obtain required formal approvals.

3 4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document and approve the document as modified, or

b. 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.

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

3 6. Endangerment during Implementation. In the event that the Department determines that any circumstance or activity (whether or not pursued in compliance with this Order) is creating an imminent or substantial endangerment to the health or welfare of people on the Site, in the surrounding area, or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as is needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this paragraph shall be extended by the term of such Stop Work Order.

3 7. 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 Respondent's operations, except as provided in this Order Respondent may be required to take such further actions as are necessary to protect public health or welfare, or the environment

3 8. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction The Department and its authorized representatives shall have the authority to enter and move freely about all property at 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 Order; and conducting such tests as the Department may deem necessary. Nothing in this 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.

3.9. Sampling, Data, and Document Availability.

3.9.1. Respondent shall permit the Department and/or its authorized representatives to inspect and copy all sampling, testing, monitoring, and/or other data (including, without limitation, the results of any such sampling, testing and monitoring) generated by Respondent, or on Respondent's behalf, in any way pertaining to work undertaken pursuant to this Order.

3.9.2. Respondent shall allow the Department and/or its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order.

3.9.3. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either:

(a) comply with that request,

(b) deliver the documents to the Department, or

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(c) notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order and permit the Department to copy the documents prior to destruction

3 10. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties, in carrying out activities pursuant to this Order. Neither the State of California nor the Department shall be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports submitted by Respondent pursuant to this Order, and approved by the Department, are hereby incorporated into this Order.

3 12 Extension Requests. If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. 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.

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4. OTHER PROVISIONS

4.1 Penalties for Noncompliance. 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.

4.2. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, 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.

4.3. Privileges. Nothing in this Agreement shall be construed to require any party to waive any privilege. However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

4.4. Time Periods. "Days" for the purpose of this Order means calendar days.

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

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5. EFFECTIVE DATE

5.1. The effective date of this Order is June 15, 2006

Dated: June 15, 2006

Original signed by Steve Petridis
ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION
Respondent

Dated: June 15, 2006

Original signed by Charlene Williams
Charlene Williams, Chief
Northern California Branch
Statewide Compliance Division
Department of Toxic Substances Control