

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Acme Fill Corporation
950 Waterbird Way
Martinez, California 94553

ID No. CAD041835695

Respondent.

Docket HWCA
20157153

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Acme Fill Corporation (Respondent) enter into this Consent Order and agree as follows:

1. Respondent's north parcel is a closed, Class I hazardous waste landfill (Landfill) located at 950 Waterbird Way (Site). Respondent operates a landfill gas extraction system and a leachate extraction system for the landfill. Landfill leachate is a RCRA listed hazardous waste and the site is classified as a Large Quantity Generator (LQG). Respondent also operates a Leachate Treatment Plant (LTP) under permit by rule and accumulates hazardous waste.

2. The Department inspected the Site on September 9, 2014.

3. The Department alleges the following violation:

a) Respondent violated Health and Safety Code section 25201(a) and California Code of Regulations, title 22, section 66262.34(b)(2) in that Respondent accumulated hazardous waste over ninety (90) days without a permit.

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

5. Jurisdiction exists pursuant to Health and Safety Code section 25187. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

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

7. This Consent Order shall constitute full settlement of the violation alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

8. Respondent shall comply with the following:

8.1. Respondent has completed all required corrective action for the alleged violation.

8.1.1. Respondent shall continue to assure that hazardous waste accumulation records are maintained in the Water Treatment Plant operation log and hazardous waste is removed within 90 days.

8.1.2. Respondent shall maintain compliance with all applicable hazardous waste management requirements in the future.

8.1.3. Respondent shall make all payments at the time and in accord with any other conditions set forth in section 10 below

8.2. 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.

8.3. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

8.4. Government Liabilities: Neither the Department or the State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 10.2 in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

8.5. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent 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.

8.6. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS

9. Respondent shall pay the Department a total sum of Three Thousand Ninety Three Dollars and Fifty Seven Cents (\$3,093.57), as specified below. The total penalty includes Four Hundred and Sixty Nine Dollars and Ninety Two Cents (\$469.92) for administrative costs incurred by the Department.

9.1. Payment of the total sum specified in paragraph 9 is due within 30 days from the effective date of this Consent Order

9.2. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

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

A photocopy of the check shall be sent:

To: Dan Pineschi
Environmental Scientist
Enforcement and Emergency Response Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

To: Adam Palmer
Acting Branch Chief
Statewide Emergency Response and Enforcement Branch
Department of Toxic Substances Control
8810 Cal Center drive
Sacramento, California 95826

9.3 If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code

section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

10. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

10.1. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

10.2. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

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

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

10.5. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California Regional Water Quality Control Board.

Dated: 3-20-15

Original signed by Nicholas J. Farros

Nicholas J. Farros
Respondent

Dated: 3-23-2015

Original signed by Alex Baillie

Alex Baillie
Senior Environmental Scientist (Supervisor)
Department of Toxic Substances Control