

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Able Degassing, Inc.
dba Able Environmental Services
10572 Chestnut Avenue
Stanton, CA 90680.

ID No. CAR000199349

Respondent.

Docket HWCA 2010 2728

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1 Parties. The California Department of Toxic Substances Control (Department) and Able Degassing, Inc. dba Able Environmental Services (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2 Site. Respondent transports hazardous waste at 10572 Chestnut Avenue, Stanton, California (Site).

1.3. Inspection. The Department inspected the Site on September 15, 2010.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Transporter Registration Number 3474.

1.5 Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code section 25187, which authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any

permit, rule, regulation, standard or requirement issued or adopted pursuant thereto.

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

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

1.8 Admissions. By entering into this Consent Order, the Respondent does not admit the violation alleged in Section 2.

2. VIOLATIONS ALLEGED

2. 1 The Department alleges the following violation:

The Respondent violated Health and Safety Code section 25201, subdivision (a) in that on or about September 15, 2010 Respondent stored hazardous waste without a permit or grant of authorization from the Department, to wit: Respondent acted as a storage facility as set forth in Health and Safety Code section 25123.3, subdivision (b)(3)(A)(ii) (Section 25123.3(b)(3)(A)(ii)) by storing hazardous waste within 500 feet of a structure identified in subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (b) of Health and Safety Code section 25232, including, but not limited to, residences, day care center for children, or a school. By acting as a storage facility pursuant to Section 25123.3(b)(3)(A)(ii), the Respondent is subject to the storage requirements set out in Health and Safety Code section 25201, subdivision (a).

SCHEDULE FOR COMPLIANCE

3.1 Respondent shall comply with the following:

3.1.1 Respondent has corrected the violation alleged above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violation alleged herein.

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

4. OTHER PROVISIONS

4.1. 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.

4.2 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.

4.3. Parties Bound: This 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.

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

5. PENALTY

5. 1. Respondent agrees to pay the Department the sum of \$1,000.00.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, 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:

Roberto Kou
Supervising Hazardous substances Scientist I
Department of Toxic Substances Control
Enforcement and Emergency Response Program
9211 Oakdale Avenue
Chatsworth, California 91311

5.4. If Respondent fails to make payment as provided above, Respondent further agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all cost incurred by the Department in pursuing collection including attorney's fees.

Pursuant to California Code of Regulations, title 22 Section 66272.68 subsection (d) (Ability to Pay), and the information provided by the Respondent, the Department evaluated the Respondents Ability to Pay claim and determined that the Respondent could pay a total of \$1,000 in penalties. The monetary settlement in paragraph 5.1 above reflects the Respondents Ability to Pay claim and not the merits of the Department's allegations or the seriousness of the violations alleged in the Administrative Enforcement Order.

6. EFFECTIVE DATE

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

Dated: November 7, 2011 Original signed by Brian Fitzpatrick, Secretary
Signature of Respondent's Representative

Brian Fitzpatrick – Secretary
Typed or Print Name and Title of Respondent's Representative

Dated: November 10, 2011 Original signed by Roberto Kou
Roberto Kou, Unit Chief
Supervising Hazardous substances Scientist I
Department of Toxic Substances Control
Enforcement and Emergency Response Program