

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Advanced Environmental, Inc.  
13579 Whittram Avenue  
Fontana, CA 92335

ID No. CAT 080 025 711

Respondent.

Docket HWCA 2008 1853

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent generates, stores and treats hazardous waste at the following site: 13579 Whittram Avenue, Fontana, California 92335 (Site).

1.3. Inspection. The Department inspected the Respondent on June 18, 19 and July 3, 14, and 15, 2008.

1.4. Permit/ Interim Status. In March, 1991, the Department issued Respondent a grant of Interim Status (ISD) as a treatment and storage facility. Respondent was authorized to treat and store used oil/waste oil, mixed oil, oil/water separation sludge, oil contaminated with vehicle fuel and aqueous solution, which were oily waters with total organic less than 10%. On April 15, 1996, the ISD was modified to authorize Respondent to accept waste antifreeze. On June 6, 1997, the ISD was modified to replace the Waste Water Treatment System. On December 30, 2000, Respondent resubmitted its application for a Standardized Permit as a storage and transfer facility for California Only wastes. However, DTSC has not made a final decision regarding the Standardized Permit Application submitted by Respondent. Therefore, the facility

currently is operating under modified ISD issued by DTSC on June 6, 1997.

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

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of 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 and all rights to a hearing in this matter.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code Regulations, title 22, section 66265.191, subsection (g)(10) in that on or about June 18, 2008, Respondent through its tanks assessment conducted in years 2000 and 2001 failed to estimate remaining service life of the tank system based on the finding of the requirements in subsections (g)(1) through (g)(9).

2.1.2. Respondent violated California Code Regulations, title 22, section 66262.34, subsection (f) in that on or about July 3, 2008, Respondent failed to accurately mark the date upon which each period of accumulation begins on each container. Specifically, the accumulation dates on the roll off did not match the drums accumulation, storage and or disposal dates of the drums.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

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

#### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such 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, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

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

#### 5. PENALTY

5.1. Respondent shall pay the Department a total sum of \$9,000.00 as a penalty.

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 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(s) shall be sent to:

Mehdi Nobari  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

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

#### 6. EFFECTIVE DATE

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

Dated: February 6, 2009

Original signed by Bruce De Menno  
Respondent Signature

Bruce De Menno  
Print Name of Respondent

Dated: February 19, 2009

Original signed by Robert Kou  
Robert Kou, Unit Chief  
Chatsworth Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control