

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

All County Environmental &
Restoration, Inc.
1081 N. Shepard Street, Suite H
Anaheim, California 92806
CAL000317239

Respondent.

Docket HWCA 2014-6949

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent operates as a hazardous waste hauler of asbestos-containing wastes at the following location: 1081 N. Shepard Street, Suite H, Anaheim, California (Site).

1.3. Inspection. The Department reviewed the Hazardous Waste Tracking System and Transportation Database records of the Site on or about July 17, 2014.

1.4. Authorization Status. Respondent has no authorization status pertaining to the generation, transportation, storage, treatment or disposal of hazardous waste.

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 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.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

The Respondent violated Health and Safety Code, section 25163 (a) (1), and California Code of Regulations, title 22, section 66263.11 (a) (1), in that on or about September 11, 2010, and through December 12, 2013, Respondent transported hazardous waste at least 370 times, without a hazardous waste hauler registration or other authorization from the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall not transport hazardous waste unless and until

Respondent obtains a hazardous waste hauler registration or other authorization from the Department.

3.1.2. Respondent shall submit a copy of a hazardous waste hauler registration issued by the Department in response to the Respondent's application dated July 28, 2014.

3.1.3. Respondent shall make all payment 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 Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for 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.

4.3. 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 the total sum of \$10,500.00.

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 the 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(s) shall be sent to:

Richard Hubbell, Unit Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

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: 8/22/2014

Original signed by Donald V. Moser

Donald V. Moser, President
All County Environmental & Restoration, Inc.

Dated: 8/22/2014

Original signed by Richard Hubbell

Richard Hubbell, Unit Chief
Cypress Enforcement Unit
Enforcement and Emergency Response Division
Department of Toxic Substances Control