

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 03-06-544

**ASBURY ENVIRONMENTAL
SERVICES, INC. 2100 North
Alameda Street, Compton, California
90222.**

CONSENT ORDER

Health and Safety Code
Section 25187

Respondent.

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and ASBURY ENVIRONMENTAL SERVICES, INC. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste. Respondent's facility is located at 2100 North Alameda Street, Compton, California 90222 (Site).

1.3. Inspection. The Department inspected the Respondent on September 3, 2004.

1.4. Authorization Status. Respondent is authorized by the Department to transport 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 or requirement issued or adopted under its authority.

1.6. Full Settlement This Order shall constitute full settlement of the violations alleged below. By agreeing to this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction involving the Respondent, except to the extent provided in this Order.

1.7. Hearing. Respondent waives all rights to a hearing in this matter.

1.8. Admissions. Respondent does not admit the violations described below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

During the period of April-May 2003, Respondent violated section 25201(a) of the California Health and Safety Code when Respondent transferred hazardous waste from drums to an Asbury truck without proper authorization.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited above.

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 operations of Respondent, 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. 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, 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.

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

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, successors, and assignees,

4.3. Privileges. Nothing in this Agreement shall be construed to require any party to waive any privilege.

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 penalty consisting of \$8,000.00.

5.2. Payment is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) 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(s) shall be sent to:

Ramon B. Perez
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
9174 Sky Park Court, suite 150
San Diego, California 92123

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: 5-11-06

Respondent

Dated: 5/30/06

Department of Toxic Substances Control