

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Bakersfield Transfer, Inc.
1620 Brundage Lane
Bakersfield, California 93307

ID No. CAL 000 282 598

Respondent.

Docket HWCA 2010 2508

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent generates, stores and/or transfers hazardous waste at the following site: 1620 Brundage, Bakersfield, California 93307 (Site).

1.3. Inspection. The Department inspected the Site on April 26 and May 4 & 20, 2010.

1.4. Permit Status. The Department authorized Respondent to store and transfer hazardous waste pursuant to a Standardized Hazardous Waste Facility Permit, Series B, issued on April 7, 2008.

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 of Regulations title 22, section 66264.14, subdivision (a) in that on or about May 20, 2010, Respondent failed to prevent the unknowing entry and minimize the possibility for the unauthorized entry of person or livestock onto the active portion of the Site. Specifically, Respondent failed to provide a fence or a gate to the active portion of the Site.

2.1.2. Respondent violated California Code of Regulations title 22, section 66264.15, subdivision (b) (1) and California Code of Regulations title 22, section 66264.195, subdivision (b) (1) & (3) in that on or about May 20, 2010, Respondent failed to develop and follow a written schedule for daily inspection of the storage tanks and secondary containment area of the Unit # 1.

2.1.3. Respondent violated California Code of Regulations title 22, section 66264.16 in that on or about May 20, 2010, Respondent failed to provide training for the emergency coordinators identified in Contingency Plan and Emergency Procedure.

2.1.4. Respondent violated California Code of Regulations title 22, section 66264.32, subdivision (c), in that on or about May 20, 2010, Respondent failed to equip the tank farm area (Unit #1) with emergency shower and an eye wash/first aid as indicated in the Hazardous Waste Facility Permit Application dated April 12, 2006, Part B, Section XII, page 5 of 15.

2.1.5. Respondent violated California Code of Regulations title 22, section 66264.73, subdivision (b)(1), in that on or about May 20, 2010, Respondent failed to keep records of the description and quantity of hazardous waste received and the method(s) and the date(s) of its transfer and storage at the Site. Specifically, the oily/water hazardous waste stored/transferred within the Site were not tracked in the Site operating log.

2.1.6. Respondent violated Health and Safety Code, section 25202, subdivision (a) in that on or about May 20, 2010, Respondent performed unauthorized activity by utilizing four 500 gallon containers to separate oil and solid from oily water waste received at the Site.

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 \$20,000.00 as penalty.

5.2. The payments shall be paid in four (4) installments of \$5,000.00. The four (4) installments of \$5,000.00 each are due and payable on July 1, 2011, August 1, 2011, September 1, 2011 and October 1, 2011. Any installment payment which is received by the Department after the 15th day of the payment month in which it is due subject to penalty in amount of \$250.00, which penalty shall be paid by Respondent no later than the due date of next installment payment. If Respondent fails to make a full installment payment within thirty (30) days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalties immediately due and owing. If Respondent fails to make any payment timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to Health and Safety Code, section 25360.1. Respondent further agrees to pay all costs and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent hereunder. Respondent's checks shall be made payable to Department of Toxic Substances Control and shall be delivered.

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 together with a payment Voucher in the form set forth in Exhibit 1 attached hereto and incorporated herein by reference, shall be delivered 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

6. EFFECTIVE DATE

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

Dated: June 09, 2011

Original signed by Benjamin McNeil
Respondent Signature

Benjamin McNeill
Print Name of Respondent

Dated: June 16, 2011

Original signed by Roberto Kou
Robert Kou, Acting Performance Manager
Chatsworth Branch
Enforcement and Emergency Response Program
Department of Toxic Substances Control

Exhibit 1

PAYMENT VOUCHER

Docket No.: HWCA 2010 2508

Respondent: Bakersfield Transfer, Inc.

ID No.: ID No. CAL 000 282 598

County: Kern

Total Due: \$ 20,000

Payment No.	Due Date	Amount Due
1	July 1, 2011	\$5,000.00
2	August 1, 2011	\$5,000.00
3	September 1, 2011	\$5,000.00
4	October 1, 2011	\$5,000.00