

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Big Sky Environmental Solutions
401 West Channel Road
Benicia, California 94510
EPA ID # CAL000346010

Respondent.

Docket HWCA 2010 - 2848

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent handles, consolidates, and transports hazardous waste at the following site: 401 West Channel Road, Benicia, California 94510.

1.3. Inspection. The Department inspected the Site on June 24, 2010.

1.4. Authorization Status. Respondent has a Hazardous Waste Transporter Registration Number 5840 issued by the Department on August 25, 2009 and is renewed annually.

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.

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

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated Health and Safety Code section 25189.2 (a), in that on or about June 24, 2010, Respondent made a false statement or representation in an application, label, manifest, record, other document filed, maintained, or used for purposes of compliance.

2.3. The Respondent violated Health and Safety Code section 25250.29 (a), in that on or about June 24, 2010, Respondent failed to test and analyze the used oil prior to shipment out of the state.

2.4.(a). The Respondent violated Health and Safety Code section 25160 in that on or about June 24, 2010, Respondent failed to comply with the conditions for consolidated manifesting procedure, specifically Health and Safety Code section 25160.2 subdivisions (b)(4) and (b)(5) (Section 25160.2).

2.4.(b). The Respondent violated Health and Safety Code sections 25160.2 subsection (b)(7) and 25250.29 (e), in that Respondent failed to retain legible copies of consolidated manifests and receipts at the transporter's location. In addition, Respondent failed to provide copies of test analysis of used oil before a load is shipped to a facility located out of state. Copies of receipts and test analysis for the current year were not available at the time of the inspection:

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. Respondent shall submit to the Department a certification that each shipment of used oil is analyzed prior to shipment out of state.

3.1.2. 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 total sum of \$11,500 payable in two (2) installments of \$5,750 each. The payment schedules are as follows:

- \$5,750 payable and due on or before July 15, 2011; and
- \$5,750 payable and due on or before September 15, 2011.

5.2. Payment of the total sum specified in paragraph 5.1 is due 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:

Mukul Agarwal
Supervising Hazardous Substances Scientist I
Enforcement & Emergency Response Program
Department of Toxic Substances Control

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:

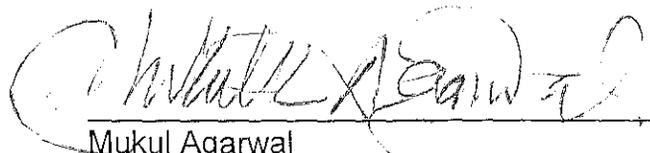
7/13/11



Jeff Rhodes
Respondent

Dated:

7/21/11



Mukul Agarwal
Supervising Hazardous Substances Scientist I
Department of Toxic Substances Control