

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: Corrick Enviro Services 2235 Lemon Avenue Long Beach, CA 90806 EPA ID NO. CAR000217711 Respondent.	Docket HWCA20124830 CONSENT ORDER Health and Safety Code Section 25187
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1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Corrick Enviro Services, a California company (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent consolidates and transports hazardous waste liquids and solids: 2235 Lemon Avenue, Long Beach, CA 90806 (Site).

1.3. Inspection. The Department inspected the Site on July 30, 2012.

1.4. Respondent is a consolidated transporter of RCRA and non-RCRA 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 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 violation:

The Respondent violated Health & Safety Code, section 25201(a) in that on or about July 30, 2012, Respondent did not comply with the terms and conditions set forth in Health and Safety Code section 25123.3(b)(3)(A)(ii), when Respondent operated a storage facility which commenced operations on or after January 1, 2005, storing offsite generated hazardous waste within 500 feet of a residence without a permit or grant of authorization from the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation set forth above.

3.1.2. Respondent shall make all payments at the times 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.

4.8. 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 \$1,000. The payment shall be made in two (2) installments as follows:

5.2. Payment of the total sum specified in paragraph 5.1 is due within 60 days (two monthly payments of \$500) 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:

Carmelita Lampino, Branch Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732

and

Debra Schwartz, Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311-6505

The Respondent brought a claim that it was unable to pay the assessed penalty of Ten Thousand Five Hundred Dollars (\$10,500). As a result, the Department requested, and Respondent provided, financial documents to substantiate its inability to pay claim. Based on the information provided by Respondent, the Department evaluated Respondent's inability to pay claim, and determined that Respondent is able to pay a One Thousand Dollar (\$1,000) penalty.

The adjustment of the penalty reflects Respondent's inability to pay claim, and not the merits of the Department's allegation or the seriousness of the violation alleged in the Order. The Department reserves its right to re-evaluate this issue should new information regarding the Respondent's financial status become available.

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: Originally Dated 11-16-13 and Signed by Rick Corgiat

Rick Corgiat, Owner
Corrick Enviro Services

Dated: Originally Dated 12/10/2013 and Signed By Carmelita E. Lampino

Carmelita Lampino, Branch Chief
Enforcement and Emergency Response
Division
Cypress/San Diego Branch
Department of Toxic Substances Control