

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Carbon Activated Corporation
250 E. Manville Street
Compton, California 90220

CAR000149104

Respondent.

Docket HWCA 2007-1569

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Carbon Activated Corporation (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent handles and supplies activated carbon, and recycles used activated carbon at the following site: 250 E. Manville Street, Compton, California 90220 (Site).

1.3. Inspection. The Department conducted a complaint investigation of the Site on October 9, 2007.

1.4. Authorization Status. Respondent is not authorized by the Department to receive, transport, store, treat or dispose of hazardous wastes at the Site; and is not a generator 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 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:

2.1.1. Respondent violated Health and Safety Code section 25163 (a) (1), and California Code of Regulations, title 22, section 66263.11 (b), in that on or about October 9, 2007, Respondent transported hazardous waste without valid registration issued by the Department. Respondent transported at least two hazardous waste loads of spent carbon contaminated with hazardous levels of perchloroethylene without the registration.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66263.20 (a), in that on or about October 9, 2007, Respondent accepted and transported hazardous waste without a completed and signed manifest from the generator. Respondent accepted and transported at least two hazardous waste loads of spent carbon contaminated with hazardous levels of perchloroethylene without a manifest.

2.1.3. Respondent violated Health and Safety Code section 25201 (a), in that on or about October 9, 2007, Respondent stored hazardous waste without an authorization from the Department. Respondent stored in containers at least two hazardous waste loads of spent carbon contaminated with hazardous levels of perchloroethylene.

2.1.4. Respondent violated Health and Safety Code section 25201 (a), in that on or about October 9, 2007, Respondent treated hazardous waste without an authorization from the Department. Respondent conducted treatment by conducting thermal recovery of at least two hazardous waste loads of spent carbon contaminated with hazardous levels of perchloroethylene.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent certified through its submittal, dated October 22, 2007 that the facility has corrected all the alleged violations above.

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.

4.8. 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 \$22,800 of which \$20,399 is a penalty and \$2,401 is reimbursement of the Department's costs incurred in this matter.

5.2. Payment of the total sum specified in Paragraph 5.1 shall be made in three equal installments of \$7,600 each. The first, second, and third payments of \$7,600 each, are due within thirty (30), sixty (60), and ninety (90) days of the effective date of this Consent Order respectively.

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 E. Lampino, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

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: September 8, 2009

Original signed by Lionel M. Perera
Lionel M. Perera, President,
Carbon Activated Corporation

Dated: September 16, 2009

Original signed by Carmelita E. Lampino
Carmelita E. Lampino
Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control