

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Chrisp Company
43650 Osgood Road
Fremont, California 94539

EPA I.D. No.CAD982022311

Respondent.

Docket HWCA SCUPA 2011 IM002

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control Imperial Certified Unified Program Agency (Department) and Chrisp Company (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generated, handled, and transported hazardous waste at the following site: Highway 111 and McCabe Road, Imperial County (Site).

1.3. Inspection. The Department inspected the Site and at various locations associated with the Site beginning on May 18, 2010 and on various dates thereafter.

1.4. Authorization Status. Respondent does not have a State permit, certificate, registration, authorization, or interim status to manage hazardous waste at the Site.

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. Respondent violated Health and Safety Code Section 25163(a) (1) in that on or about January 7, 2010, Respondent did transport a California-regulated hazardous waste, paint striping, without having a valid registration to transport hazardous wastes.

2.3. Respondent violated Health and Safety Code Section 25160(d) (1) in that on or about January 7, 2010, Respondent did transport waste paint striping, a California-regulated hazardous waste, in a Respondent vehicle without having a hazardous waste manifest in the driver's possession while transporting the hazardous waste.

2.4. Respondent violated title 22 California Code of Regulations section 66263.23 (b), in that on or about January 7, 2010, Respondent did deliver hazardous waste to the Granite Construction site, a location not authorized by the DTSC to receive such hazardous wastes.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1 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 a total penalty of \$27,500.00. Of the total due, \$9,500.00 is a penalty; \$18,000 shall be a credit for two Supplemental Environmental Projects (SEP). The penalty shall be paid to the Department no later than 60 days of the effective date of this Order.

5.2. Supplemental Environmental Project: Respondent shall pay \$10,000.00 to the Imperial County Fire Department within 30 days of the effective date of this Order. Additionally, Respondent shall pay \$8,000.00 to Comite Civico Del Valle, located in Imperial County, within 30 days of the effective date of this Order. In the event that Respondent fails to submit full payment of the \$18,000 of SEPs, Respondent shall make the remaining payments to the Department of Toxic Substances Control no later than 45 days of the effective date of this Order.

5.3. Respondent's check(s) for the penalty 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:

Roger Vintze
Performance Manager (A)
DTSC Imperial CUPA
627 Wake Avenue
El Centro, California 92244

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: October 5, 2011

Original signed by David Morris
David Morris
Respondent

Dated: October 5, 2011

Original signed by Roger Vintze
Roger Vintze
Department of Toxic Substances Control