

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

) Docket No. HWCA 2009-2100

) CONSENT ORDER

) Health and Safety Code
) Section 25187

1. INTRODUCTION

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

1.2. Site. On August 15 and 16, 2007, Respondent worked as a subcontractor at the Antioch Bridge located along California State Route 160 between Contra Costa and Sacramento Counties. Respondent removed roadway markings as part of the FasTrak® Strategic Plan Improvement Project at the Antioch Bridge toll plaza. Respondent's work involved removal and collection of two types of roadway markings – markings including striping containing hazardous levels of lead, and non-hazardous roadway markings.

1.3. Generation. Respondent generated hazardous waste including lead contaminated residues from removal and collection of roadway markings through its work at the Antioch Bridge. Respondent does not have a permit or other form of authorization from the Department to transport or dispose of hazardous waste.

1.4. 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.

1.5. Full Settlement. This Order shall constitute full settlement of the violation 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.

1.6. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.2 Respondent violated California Health and Safety Code, section 25189.2, subdivision (c) in that on or about August 15 and 16, 2007, Respondent collected hazardous roadway marking residues using a sweeper truck rather than a vacuum truck and thus caused the disposal of the residues to a point not authorized by the Department. Disposal information for hazardous residues collected by Respondent's

sweeper truck has not been determined.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall initiate training to minimize the possibility of a reoccurrence of the violation.

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 \$ 8,000 of which \$ 3,449 is a penalty and \$ 4,551 is reimbursement of the Department's costs incurred in this matter.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days 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 **Attn: John Goodykoontz**
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Richard Stewart
Senior Hazardous Substances Scientist
State Oversight and Enforcement Branch
Enforcement and Emergency Response Program
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

and

James J. Grace, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

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:

10/2/09



Mr. Rabi Joseph
Chief Financial Officer
Chrisp Company

Dated:

10/5/09



Mr. Rick Robison
Supervising Hazardous Substances Scientist
State Oversight and Enforcement Branch
Enforcement and Emergency Response
Program
Department of Toxic Substances Control