

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Veolia ES Technical Solutions, L.L.C.
1704 West First Street
Azusa, California 91702

ID No. CAD008302903

Respondent.

Docket HWCA 2008-1929

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Veolia ES Technical Solutions, L.L.C. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 1704 West First Street, Azusa, California 91702 (Site).

1.3. Inspection. The Department inspected the Site on November 18, 19, 20, and 24, 2008 and on December 8, 9, 10, 15 and 17, 2009.

1.4. Authorization Status. The Department has authorized the Respondent to treat and store hazardous wastes at the site. A hazardous Waste Facility Permit was issued on November 29, 1989, with expiration date of November 29, 1994. Respondent timely submitted its permit renew package in June 1994. After review, the Department issued a letter of completeness allowing Respondent to continue operating under expired permit until the issuance of a new permit which is pending.

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.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated title 22, California Code of Regulations, section 66264.15, in that on or about November 18, 2008 and December 9, 2009, Respondent failed to record inspection results in the inspection logs, and failed to document in their inspection record the date and nature of any repairs or other remedial actions taken when a discrepancy is noted during an inspection.

2.1.2. Respondent violated title 22, California Code of Regulations, section 66264.15 and section 66264.1033, in that on or about November 18, 2008, Respondent failed to calibrate, maintain, and operate the continuous monitoring device.

2.1.3. Respondent violated Health and Safety Code, section 25189.2, and title 22, California Code of Regulations, section 66264.71 (a), in that on or about November 18, 2008, the Respondent made false representation on Hazardous Waste Uniform Manifest.

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 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 penalty of \$10,000.

5.2. Payment of the total penalty 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
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
Enforcement & Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

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: April 16, 2010

Original signed by Mark Olson
Mark Olson
Branch General Manager
Veolia ES Technical Solutions, L.L.C.
Respondent

Dated: April 26, 2010

Original signed by Mukul Agarwal
Mukul Agarwal, Unit Chief
Enforcement and Emergency Response
Department of Toxic Substances Control