

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Crane's Waste Oil, Inc.  
15412 Highway 178  
Weldon, California 93293

ID No. CAD980813950

Respondent.

Docket HWCA 2008 1774

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Crane's Waste Oil, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates and handles hazardous waste at the following site: 15412 Highway 178, Weldon, CA 93293 (Site).

1.3. Inspection. The Department inspected the Site on June 25, 2008.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Standardized Hazardous Waste Facility Permit (the "Permit") issued on December 23, 1997 and subsequent approved modifications.

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:

2.2. The Respondent violated California Code of Regulations, title 22, section 66264.15, subsection (d), in that the Respondent failed to make a notation of observations made in an inspection log, and date and nature of any repairs or other remedial actions.

2.3. The Respondent violated California Code of Regulations, title 22, section 66264.31, subsection (a), in that the Respondent failed to maintain and operate its facility to minimize the possibility of a fire or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

2.4. The Respondent violated California Code of Regulations, title 22, section 66264.173, subsection (a), in that the Respondent failed to keep containers holding hazardous waste closed during transfer and storage, except when it is necessary to add or remove waste.

2.5. The Respondent violated California Code of Regulations, title 22, section 66270.30, and section 66264.35, in that the Respondent failed to maintain a minimum aisle space of 2 feet in the containment area #1 to allow for movement of emergency equipment and personnel.

2.6. The Respondent violated California Code of Regulations, title 22, section 66261.73, subsection (b)(2), in that the Respondent failed to maintain in the operating record the location of each hazardous waste within the facility and the quantity of hazardous waste at each location, by cross referencing to specific manifest document numbers.

## 3. SCHEDULE FOR COMPLIANCE

3.1. The Respondent has corrected the violations cited above. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. 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.

4.4. 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 sum of \$11,000.00. This penalty shall be paid in six (6) installments. The five installments in the amount of \$2,000.00 each are due and payable as follows: on May 1, 2009, on November 1, 2009, on May 1, 2010, on November 1, 2010 and on May 1, 2011. The sixth installment in the amount of \$1,000.00 is due and payable on November 1, 2011. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If Respondent fails to make any payment

timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to Health and Safety Code section 25360.0. Respondent further agrees to pay all costs and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent thereunder.

5.2. Respondent's checks shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered 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 shall be simultaneously sent to:

Robert Kou, Unit Chief  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

## 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: May 1, 2009

Original signed by Janet Crane  
Respondent Signature

Janet Crane  
Print Name of Respondent

Dated: May 21, 2009

Original signed by Robert Kou  
Robert Kou, Unit Chief  
Chatsworth Branch  
Enforcement Division  
Department of Toxic Substances Control