

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Crystal Blue Environmental
P. O. Box 928162
San Diego, California 92192

EPA ID: CAL000375092

Respondent.

Docket HWCA 2014-6889

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent transported hazardous waste at the following site: 2075 East Emile Avenue, Fresno, California, 93730 (Site).

1.3. Inspection. The Department inspected the Site on October 22 and December 23, 2013.

1.4. Authorization status: The Department authorized Respondent to transport hazardous waste by Hazardous Waste Transporter Registration number 6104 expiring on October 31, 2014.

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. The Respondent violated Health and Safety Code, sections 25163, subdivision (a)(2), in that on or about October 22, 2013, Respondent did not have in his/her possession its transporter registration while transporting hazardous waste.

2.3. The Respondent violated Health and Safety Code, Section 25165, subdivision (a), in that on or about October 22, 2013, Respondent failed to notify the Department its intent to use consolidated manifesting procedure when it applied for renewal of its hazardous waste transportation registration for the years 2013/2014.

2.4. The Respondent violated Health and Safety Code, section 25250.10, in that on or about December 23, 2013, Respondent as a registered hazardous waste hauler who transports used oil failed to report to the Department on or

before March 1 of each year (or on a quarterly bases), the following information on a form provided by the Department:

The shipping descriptions of used oil transported during the preceding calendar year and the volume of each type of used oil transported, identified by shipping description.

2.5. The Respondent violated Health and Safety Code, section 25163, in that between June 31, 2013 and October 28, 2013, Respondent did not hold a valid hazardous waste transportation registration while engaged in the transportation of hazardous waste.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited above. 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 \$5,500 in penalties. The penalties shall be paid in three (3) equal installments of \$1,500 each and one final installment of \$1,000. Payments are due and payable on or before each of the following dates: September 15, 2014, October 15, 2014, November 15, 2014 and December 15, 2014. Any installment payment which is received by the Department after the 15th day of the payment month in which it is due is subject to a penalty in the amount of \$750.00, which penalty shall be paid by Respondent no later than the due date of the next installment payment. If Respondent fails to make a full installment payment within thirty (30) days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalties immediately due and owing. If Respondent

fails to make any payment timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to H&SC, Section 25360.1. 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 hereunder. Respondent's checks shall be made payable to Department of Toxic Substances Control and shall be delivered, together with a payment Voucher in the form set forth in Exhibit 1 attached hereto and incorporated herein by reference, to the Department at the following address:

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:

Mehdi Nobari, Environmental Scientist
Enforcement and Emergency Response Division
9211 Oakdale Avenue
Chatsworth, California 91311

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: 08/09/14

Original signed by Kenneth B. Avila

Signature of the respondent's

MR. KENNETH B. AVILA

Typed or Print Name and Title of Respondent's
Representative

Dated: 9/10/14

Original signed by Christie Bautista

Christie Bautista, Unit Chief

Enforcement and Emergency Response
Division

Department of Toxic Substances Control

Exhibit 1

PAYMENT VOUCHER

Docket No.: HWCA 2014- 6889

Respondent: Crystal Blue Environmental

ID No.: ID No. CAL000 375 092

County: San Diego

Total Due: \$ 5,500

Payment No.	Due Date	Amount Due
1	September 15, 2014	\$1,500
2	October 15, 2014	\$1,500
3	November 15, 2014	\$1,500
4	December 15, 2014	\$1,000