

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Timothy Liggett
dba Excel Environmental Services
23399 Hansen Road
Tracy, California 95304

EPA ID # CAL000209350

Respondent.

Docket HWCA 2013 - 5769

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Timothy Liggett dba Excel Environmental Services (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent consolidates and transports hazardous waste oil at the following site: 23399 Hansen Road, Tracy, California 95304.

1.3. Inspection. The Department inspected the Site on March 19 and 20, 2013.

1.4. Authorization Status. Respondent has a Hazardous Waste Transporter Registration Number 3662 and Consolidated Transporter Notification that expires on February 28, 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 violation as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.2. The Respondent violated Health and Safety Code section 25160, in that prior to March 20, 2013, Respondent failed to comply with the conditions for consolidated manifesting procedure, specifically Health and Safety Code section 25160.2 subdivisions (b)(4) and (D)(5) . To wit: Invoices/Receipts from different generators did not match the cumulative total volume of used oil on each manifest as required by Section 25160.2.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation set forth above.

3.1.2. Respondent has submitted to the Department a certification to show

compliance with the above violation.

3.1.3. 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 \$3,500 payable in two (2) installments of \$1,750 each. The payment schedules are as follows:

- \$1,750 payable and due on or before June 20, 2013; and
- \$1,750 payable and due on or before October 1, 2013.

5.2. Payment of the total sum specified in paragraph 5.1 is due 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 I
Enforcement & Emergency Response Division
Department of Toxic Substances Control
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: June 11, 2013

Original signed by Timothy Liggett

~~Timothy Liggett~~
Respondent

Dated: June 17, 2013

Original signed by Mukul Agarwal

Mukul Agarwal
Supervising Hazardous Substances Scientist I
Department of Toxic Substances Control