

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

General Environmental
Management, Inc.
aka
Island Environmental Services
2490 Pomona Boulevard, #250
Pomona, CA 91768

Respondent.

Docket HWCA 2009-2052

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and General Environmental Management, Inc. also known as, Island Environmental Services (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports and transfers hazardous waste at the following site: 2490 Pomona Boulevard, Pomona, California 91768 (Site).

1.3. Inspection. The Department inspected the Site on April 14, 2009.

1.4. Authorization Status. Respondent has a Hazardous Waste Transporter Registration Number 4493 issued by the Department on July 16, 2008 and is renewed annually.

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 Health and Safety Code section 25201(a), in that on or about April 14, 2009, Respondent stored hazardous waste for a period longer than 10 days without authorization from the Department.

2.1.2. Respondent violated Health and Safety Code section 25160 subdivisions (d)(1) and California Code of Regulations, Title 22, section 66263.20, in that on April 10, 2009, Respondent accepted and transported waste filter cake solid without a Uniform Hazardous Waste Manifest.

2.1.3. Respondent violated Health and Safety Code, section 25189.2(c), in that on April 14, 2009, Respondent disposed or caused the disposal of a hazardous waste at a point not authorized by the Department.

2.1.4. Respondent violated California Code of Regulations, Title 22, section 66263.20, subdivision (g), in that on or about April 14, 2009, Respondent offered hazardous waste to another transporter (Smith Systems Transportation) without

obtaining the name and date of delivery, handwritten signature of transporter, EPA ID Number, and other information required on the 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.

3.1.3. Effective immediately, Respondent shall identify on the manifest required information of another transporter during transfer of waste.

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 \$12,000 payable in four (4) quarterly payments of \$3,000 each. The payment schedules are as follows:

- \$3,000 payable and due on December 3, 2009;
- \$3,000 payable and due on April 3, 2010;
- \$3,000 payable and due on August 3, 2010; and
- \$3,000 payable and due on December 3, 2010.

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
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 and Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 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: _____

4/3/09

Respondent

Printed Name of Respondent

William J. Mitze

Dated: _____

11/5/09

Mukul Agarwal

Supervising Hazardous Substances Scientist
Department of Toxic Substances Control