

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

JSE Environmental Services, Inc.
1030 N. Mountain Avenue #234
Ontario, California 91762

EPA ID. Numbers:
CAL 000 827 857

Respondents.

Docket-HWCA 2012 4810

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent generates, transports and or stores hazardous waste at the following site: 1030 North Mountain Avenue #234, Ontario, California 91762 (Site).

1.3. Inspection. The Department inspected the Respondent on February 24 and March 1 and 15, 2012.

1.4. Permit Status. The Department authorized Respondent to manage hazardous waste by Transporter Hauler Registration number No. 3420 expires on December 31, 2013.

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. Respondent violated California Health and Safety Code (H&SC), section 25250.29, subdivisions (a) & (f) in that in some instances in year 2010, Respondent failed to test and analyze used oil shipped to a facility out of the state before the load of used oil is shipped. In addition, Respondent failed to submit a report, on or before March 1, 2011 to the Department containing all of the following information: 1) Total volume of used oil shipped out of state, 2) Information pertaining to the out of state facility to which the used oil was shipped, including the facility name, facility address, and facility EPA ID number.

2.3. Respondent violated California Health and Safety Code, section 25250.9, subdivision (a) in that on or about March 15, 2012, Respondent failed to provide a written notification in the form identified by H&SC, section 25250.9, subdivision (a) to

each generator from whom Respondent received used oil.

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 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 their 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 \$5,000.00 as a penalty.

5.2. The payments shall be paid in two (2) installments of \$2,000.00 and one (1) installment of \$1,000.00. The two (2) installments of \$2,000.00 each are due and payable on June 1, 2013 and August 1, 2013. The installment in the amount of \$1,000.00 is due and payable on October 1, 2013. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250.00 penalty. Such penalty shall be paid by Respondent no later than the due date of next installment payment. If the Respondent is late in making payments, or 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 Health and Safety Code, 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.

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 together with a payment Voucher in the form set forth in Exhibit 1 attached hereto and incorporated herein by reference, 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(s) shall be sent to:

Mehdi Nobari, Hazardous Substances Scientist
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

Debora Schwartz, Senior Legal Counsel
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

5.4. Respondent hereby agrees to send one employee to the California Compliance School, Modules I-IV. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department of Toxic substances Control within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$1,000.00 if the employee satisfactory completes the specified school and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the certificate as required, the penalty of \$1,000.00 is due and payable within 30 days after the 185-day period expires. The 185-day period may

be extended by a Department Branch Chief upon a written request demonstrating good cause from Respondent.

6. EFFECTIVE DATE

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

Dated: 5-7-13

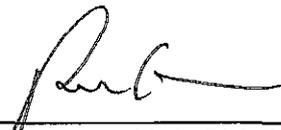


Respondent Signature

GREG PASQUALETTO

Print Name of Respondent

Dated: May 10, 2013



Robert Kou, Unit Chief
Chatsworth Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control