

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2014 - 6709

Kroeker Environmental Services, Inc.
4627 S. Chestnut Avenue,
Fresno, CA 93725

CONSENT ORDER

Health and Safety Code
Section 25187

EPA ID Number: CAR000155317

Respondent.

1. INTRODUCTION

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

1.2. Site. Respondent generates, handles, transports, and/or stores hazardous waste at the following site: 4627 S. Chestnut Avenue, Fresno, CA 93725 (Site).

1.3. Inspection. The Department inspected the Site on November 19, 2013.

1.4. Authorization Status. Respondent is an active hazardous waste transporter holding registration # 3383 issued by the Department.

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:

2.1.1 Respondent violated Health and Safety Code section 25201, subdivision (a), in that on or about April 8, 2013 and continuing through June 27, 2013, Respondent operated as a storage facility by exceeding the 10 day limit allowed for an exempt transfer facility.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violation set forth above.

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.

4.8. 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 penalty of \$4,248.

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:

Christie Bautista

Supervising Environmental Scientist

Enforcement and 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: 6-28-14

Original signed by Jeff Kroeker

Respondent's Representative

JEFF KROEKER
Print Name SECTRES

Dated: 7/17/14

Original signed by Christie Bautista

Christie Bautista
Enforcement & Emergency Response Division
Department of Toxic Substances Control