

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA

Los Angeles Pumping Company, LLC
P.O. Box 921393
Sylmar, California 91392

CONSENT ORDER 2012-4812

Health and Safety Code
Section 25187

EPA ID: CAR 000 201 459

Respondent.

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Los Angeles Pumping Company, LLC (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, and stores hazardous waste at the following site: 13377 Herrick Avenue, Sylmar, California (Site).

1.3. Inspection. The Department inspected the Site on October 31 and November 1, 3 & 8, 2011.

1.4. Authorization Status. The Department authorized Respondent to transport hazardous waste by Transporter Registration No. 5074, which expires on April, 30, 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.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code section 25250.29, subdivision (f), (effective January 1, 2010) in that on or about October 31, 2011, Respondent contends that it was unaware of the enactment of Health and Safety Code section 25250.29 and thus failed to submit to the Department a report on or before March 1, 2011 for the year 2010 which includes the following information: the total volume of used oil shipped out of state and information pertaining to the out-of-state facility which the used oil is shipped to, including the facility name, address and EPA ID number.

2.1.2. Respondent violated Health and Safety Code section 25160 in that on several occasions in 2010 and 2011, Respondent failed to comply with the conditions set forth in Health and Safety Code section 25160.2, consolidated manifesting procedures, in that Respondent's receipts were signed but did not contain

the printed name of the person signing, and in one case failed to contain either the signature or the printed name of the generator. Failure to comply with Health and Safety Code section 25160.2 subjects Respondent to the manifest requirements pursuant to Health and Safety Code section 25160.

2.1.3. Respondent violated Health and Safety Code 25250.13 in that on or about October 31, 2011, Respondent held containers with used oil, a hazardous waste in California, at its transfer facility for longer than twenty-four (24) hours without secondary containment.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the alleged 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.

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 \$4,000 as a penalty.

5.2. Payment of the total sum specified in paragraph 5.1 is due as follows: the first payment in the amount of \$2,000 is due within 30 days from the effective date of this Order and the second, and final, payment in the amount of \$2,000 is due within 120 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:

Mehdi Nobari
Enforcement and Emergency Response Division
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

and

Debra Schwartz, Senior Staff Counsel
Office of Legal Counsel
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.

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6. EFFECTIVE DATE

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

Dated: 9-17-13

Original signed by Nancy Pena
Authorized Representative of Respondent

Dated: 9-23-13

Original signed by Roberto Kou
Roberto Kou, Unit Chief
Enforcement and Emergency Response
Division
Department of Toxic Substances Control