

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA SCUPA 2014 IM001

Mia's Mobile Truck Repair and  
Towing  
702 E. Ross Rd  
El Centro, California 92243

CONSENT ORDER  
Health and Safety Code  
Section 25187

EPA I.D. No. CAL000378959

Respondent.

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1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control Imperial Certified Unified Program Agency (Department) and Mia's Mobile Truck Repair and Towing (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generated and handled hazardous waste at the following site: 702 E. Ross Rd, El Centro, Imperial County (Site).

1.3. Inspection. The Department inspected the Site August 12, 2013, and November 1, 2013.

1.4. Authorization Status. Respondent does not have a certificate to manage hazardous waste at the Site.

1.5. Jurisdiction. Health and Safety Code, section 25404.1.1, 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, in that on or about August 12, 2013 and again on November 1, 2013, Respondent disposed used oil, a California regulated hazardous waste, to the soils surrounding the secondary containment maintaining a 1000-gallon used oil tank. During the November 1, 2013 inspection, two additional spills of used oil were identified outside the maintenance shop area on the east side of the property.

2.1.2. Respondent violated Health and Safety Code section 25507 in that on or about August 12, 2013, Respondent did not, upon discovery of a release of used oil, a California-regulated hazardous waste, immediately report the release of a hazardous material to California Office of Emergency Services (OES).

2.1.3. Respondent violated California Code of Regulations, title 22, section 66265.173, in that on or about September 15, 2010, August 12, 2013, and November 1, 2013, Respondent did not keep closed, except when adding or removing the hazardous wastes the following inventory of containers identified during the following inspections:

September 15, 2010: approximately 20 open containers of used oil, used oil filters, and/or used oil contaminated soil/absorbent;

August 12, 2013: three 55-gallon drums of used oil filters, 22 five-gallon buckets of used oil, and one 55-gallon drum of used oil;

November 1, 2013: four 5-gallon buckets of used oil, four 5-gallon buckets with used oil solids, one 55 gallon drum of used oil filters, one 55 gallon drum of used oil, eight five gallon buckets with residual used oil, one 1000 gallon used oil tank, one 2 gallon bucket with used oil, and two 27 gallon metal pails (one 55 gallon drum cut in half), each containing used oil.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66262.34, in that on or about September 15, 2010, August 12, 2013, and November 1, 2013, Respondent did not properly label the following containers:

September 15, 2010: approximately 30 containers ranging in capacities from 5-gallon pails to 55-gallon drums were not labeled with the required information. Two 30-gallon drums of waste oil contaminated solvent and one 1000-gallon waste oil tank were not properly labeled;

August 12, 2013: three, 55-gallon drums of used oil filters; 22, five-gallon buckets of used oil; and two, 55-gallon drums of debris contaminated with used oil;

November 1, 2013: 12 five-gallon capacity buckets of used oil, 4 five-gallon buckets of used oil solids, two 55-gallon drums of used oil filters, two 55-gallon drums of used oil one 55-gallon drum of used oil filters improperly labeled as used oil, two 30-gallon drums of used oil contaminated solvent, and two 27-gallon metal pails (one 55-gallon drum cut in half) containing used oil.

2.1.5. Respondent violated California Code of Regulations, title 22, section 66265.31, in that on or about August 12, 2013, and November 1, 2013, Respondent maintained and operated Respondent's facility in a manner that failed to minimize a release of hazardous waste or hazardous waste constituents. Specifically, Respondent released used oil into the secondary containment surrounding the 1000-gallon used oil tank, and onto the cement outside of the secondary containment. In addition, there were two releases of used oil onto concrete outside the maintenance shop area on the east side of the property identified during the November 1, 2013 inspection.

2.1.6. Respondent violated Health and Safety Code section 25503.5, in that on or about August 12, 2013, and November 1, 2013, Respondent did not previously submit, nor have available during any of the inspections, a hazardous material business plan.

2.1.7. Respondent violated Health and Safety Code, section 25504(c), in that on or about August 12, 2013, and November 1, 2013, Respondent did not develop or implement a training program for existing or new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or a threatened release of a hazardous material.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following within 30 days of the effective date of this Order:

3.1.1. Respondent shall immediately cease disposing of hazardous waste to the soil. All soils contaminated with used oil shall be removed from the ground, containerized, labeled, and then properly disposed of to an authorized facility by an authorized hazardous waste transporter.

3.1.2. Respondent shall report all releases or threatened releases of hazardous material to the California Office of Emergency Services (OES) upon discovery.

3.1.3. Respondent shall ensure all hazardous waste containers are kept closed except when adding or removing contents.

3.1.4. Respondent shall properly label all hazardous waste containers.

3.1.5. Respondent shall immediately cease operating the facility in a manner that fails to minimize releases. If a release does occur, Respondent must report to OES. In addition, Respondent shall remediate, containerize, label, and then properly dispose of any hazardous waste resulting from a release to an authorized hazardous waste collection facility by an authorized hazardous waste transporter.

3.1.6. Respondent shall upload a hazardous material business plan to the California Environmental Reporting System.

3.1.7. Respondent shall develop and implement a training program that addresses all aspect of hazardous material and hazardous waste management, emergency response procedures, and evacuation procedures, for existing and new employees with an annual refresher component for each employee.

#### 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 a total penalty of \$18,000. Of the total due, \$12,000 is a monetary penalty; \$1,000 shall be credit for Respondent to send two

employees to a school that teaches hazardous waste management and/or hazardous materials management; and, \$5,000 shall be deferred provided Respondent has no Class I violations within one year of the effective date of this Order. The \$12,000 monetary penalty shall be paid to the Department in increments of \$500 each month during the two years following the effective date of this Order. The first payment shall be made no later than 30 days of the effective date of this Order.

5.2. Respondent shall provide documentation to the Department showing that, at a minimum, two employees attended hazardous waste management and/or hazardous material management training within 180 days following the effective date of this Order.

5.3. Respondent's check(s) for the penalty 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:

Roger Vintze  
Environmental Program Manager I (Supervisory)  
DTSC Imperial CUPA  
627 Wake Avenue  
El Centro, California 92243

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: 09/05/14

Original signed by Mia's Mobile Truck Repair

Mia's Mobile Truck Repair and Towing  
Respondent

Dated: 9/5/14

Original signed by Roger Vintze

Roger Vintze  
Department of Toxic Substances Control