

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Naval Station-SW Facility  
B-3458, 32<sup>nd</sup> Street, Naval Station  
San Diego, California 92136

CA6170024289

Respondent

Docket HWCA 2008-1803

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Naval Station-SW facility (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates and stores hazardous waste at the following site: B-3458, 32<sup>nd</sup> Street, Naval Station, San Diego California (Site).

1.3. Inspection. The Department inspected the Site on June 4, 2008.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by a hazardous waste facility permit issued on June 22, 2006. Respondent is also a generator of hazardous waste at the Site.

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. The Respondent violated California Code of Regulations, title 22, section 66262.20 (a), in that on or about June 4, 2008, Respondent failed to prepare a hazardous waste manifest for shipment of its hazardous waste. Between January, 2008 and February 13, 2008, Respondent shipped without a hazardous waste manifest, at least 1,477 pounds of hazardous waste from its marine vessel, Peleliu.

2.1.2. The Respondent violated Health and Safety Code, section 25201 (a), in that on or about June 4, 2008, Respondent disposed hazardous waste at an unauthorized hazardous waste facility. Between January, 2008 and February 13, 2008, Respondent shipped at least 1,477 pounds of hazardous waste from its marine vessel, Peleliu, to an unauthorized facility, Spectrum Environmental Services.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent certified through its submittal to the Department, dated June 20, 2008, that the alleged violations above have been corrected. Respondent shall ensure that all hazardous waste shipments be properly manifested and sent to an authorized facility.

## 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 also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, 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 not pay any penalty for the alleged violations listed in Section 2 that resulted from the self-disclosure/transporter inspection. The Department has determined that the Respondent met all of the requirements of the "Cal/EPA Recommended Guidance on Incentives for Voluntary Disclosure, October 2003" through the Self-Discovery Notification and therefore qualifies for a waiver of the gravity-based penalty. Further, the Department has determined that there is only a *de minimis* economic benefit associated with the alleged violations.

6. EFFECTIVE DATE

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

Dated: June 18, 2009

Original signed by Chris L. Stathos  
Chris L. Stathos  
Fleet Environmental Coordinator  
Navy Region Southwest

Dated: June 22, 2009

Original signed by Carmelita E. Lampino  
Carmelita E. Lampino, Unit Chief,  
Enforcement & Emergency Response Program  
Chatsworth/Cypress Branch  
Department of Toxic Substances Control