

COPY

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the matter of:

North State Environmental Inc.
220 South Spruce Avenue
Suite 200, South San Francisco,
California, 94080
EPA ID - CAL912333376
Respondent

Docket Number
HWCA 2013-6229

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent transports hazardous waste from its truck terminal located at 214 Shaw Road, South San Francisco, California 94080 (CAL912333376).

1.3. Inspection. Department personnel performed a compliance evaluation inspection at Respondent's truck terminal and South Spruce Avenue office in the City of South San Francisco on November 17, 2011.

1.4. Authorization Status. Respondent is a registered Hazardous Waste Transporter holding registration # 539, which expires on March 3, 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 herein. 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 to the facts underlying the violation as alleged in Section 2.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.2. Respondent violated California Health and Safety Code section 25201(a), in that on or about March 25, 2011 to April 5, 2011 and August 4, 2011 to August 29, 2011 Respondent stored hazardous waste at an unauthorized facility by storing hazardous waste including metals tainted with arsenic and photographic developing solution in 55-gallon and 30-gallon drums (respectively) for more than ten days at its truck terminal on Shaw Road in the City of South San Francisco.

Manifest #	Container	Waste Description	Total Storage Time
007572210JJK	1-30-gallon container	photographic developer liquid waste with silver	stored a total of 11-days – 1-day over ten day limit 03/25/2011- 04/05/2011
004610409FLE	1-55-gallon container	fine metal solid debris containing Arsenic	Stored a total of 25-days – 15-days over ten day limit 08/04/2011- 08/29/2011

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violation set forth above in Section 2.

3.1.1. In an inspection report dated March 13, 2012, the Department cited Respondent for 27 violations of California Health and Safety Code section 25201(a), in that Respondent stored hazardous waste at an unauthorized facility for more than ten days at its truck terminal on Shaw Road in the City of South San Francisco. Those violations were withdrawn based upon evidence provided by the Respondent that such violations had not occurred.

3.1.2. Respondent shall operate hereafter in a manner that shall prevent recurrence of the violation cited herein. Respondent shall comply with the following:

3.1.3. Respondent shall make all payments at the time(s) and in accordance with any other conditions set forth in Section 5 (Penalty) herein.

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, successor, 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 penalty of \$2,360.00.
- 5.2. Payment of \$2,360.00 specified in paragraph 5.1 shall be paid in full and is due within 30 days from the effective date of this Order.
- 5.3. Respondent's check 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 shall be sent to:

Rick Robison, Senior Environmental Scientist (Supervisory)
Enforcement & Emergency Response Division
700 Heinz Avenue Suite 200
Berkeley, California 94710

and

Ann Carroll, Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

- 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: 11-1-13

Original signed by John M. Erickson

John M. Erickson, Operations Manager
North State Environmental Inc.

Dated: 11-⁵-13
RR

Original signed by Rick Robison

Rick Robison, Senior Environmental
Scientist (Supervisory)
Enforcement & Emergency Response
Division
Department of Toxic Substances
Control