

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

P Kay Metal, Inc.
2448 East 25th Street.
Los Angeles, California, 90058

ID No. Cal 000 024 110

Respondent.

Docket HWCA20102448

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent generates, handles, treats, stores, and disposes of hazardous waste at the following site: 2448 East 25th Street, Los Angeles, California, 90058

1.3. Inspection. The Department inspected the Site on January 27 and February 2 and 3, 2010.

1.4. Authorization Status. The Respondent hold a Standardized Permit Series B with an effective date of October 31, 2009 and an expiration date of October 31, 2019 and a Hazardous Waste Transporter Registration # 2673 with an expiration date of June 30, 2010.

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 violation: Respondent violated California Code of Regulations, section 66264.171 in that on or about January 27, 2010 P Kay Metal, Inc. failed to transfer two damaged 55-gallon hazardous waste drums (thin-lead solids) to containers in good condition.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent processed the hazardous waste stored in the two mentioned above drums. No further measures necessary in regard to two mentioned above drums; however, P Kay Metal Inc. should immediately transfer any hazardous waste that is stored in a damage drum to a container in good condition. Respondent should consult

with DTSC Permit Writer to address the issue of handling of hazardous waste damaged containers management.

3.1.1. Respondent has corrected the 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, of which \$4,000 is a penalty. Respondent shall make the payments of this sum in two installments, as follows: TWO THOUSAND DOLLARS (\$2,000.00) will be paid on or before October 26, 2010 and TWO THOUSAND DOLLARS (\$2,000.00) will be paid on or before April 26, 2011.

5.2. 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:

Mukul Agarwal
Supervising Hazardous Substances Scientist I
Enforcement and Emergency Response Program
9211 Oakdale Avenue
Chatsworth, California, 91311

And

Debra Schwartz, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

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: September 15, 2010

Original signed by Larry Kay
Signature of Respondent's Representative

Larry Kay-President
Print Name and Title
of Respondent's Representative

Dated: September 22, 2010

Original signed by Mukul Agarwal
Mukul Agarwal, Supervising Hazardous
Substances Scientist I
Enforcement and Emergency Response
Department of Toxic Substances Control