

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: Pacific Steel Casting  
Company  
1333 Second Street  
Berkeley, California  
94710

CAD009129461

(Respondent)

Docket No. HWCA 2010-2176

CONSENT ORDER

Health and Safety Code  
Section 25187

COPY

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Pacific Steel Casting Company (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent operates a steel manufacturing company located at 1333 Second Street, Berkeley, California (Site). The Site is composed of three manufacturing plants. Respondent uses sand molds to produce carbon and low-alloy stainless steel castings.

1.3. Inspection. In response to a complaint, the Department performed an inspection at Respondent's Site on April 9, 2009. During the inspection, the Department received five samples collected by the Department at the Site including one sample collected from Respondent's "roll-off" trash container located in Plant #2.

1.4. Authorization Status. Respondent does not hold a permit from the Department for storage, treatment or disposal of hazardous wastes.

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. By entering into this Consent Order, Respondent does not admit the violations alleged below, except as follows: Respondent admits the facts alleged below for the purpose of any subsequent action brought pursuant to the Hazardous Waste Control Law section 25100 et. seq., within five years of the date the violations occurred.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

- 1). On or about April 9, 2009, Respondent violated California Health and Safety Code, section 25189.2(c) in that it caused the disposal of a hazardous waste at a facility which is not authorized by the Department for such

disposal. Specifically, waste material from Respondent's non-hazardous waste "roll-off" trash container was sampled by Department personnel on April 9, 2009. Sample analysis revealed that the waste material contained hazardous levels of the metal nickel. Respondent informed the Department that the waste material in the "roll-off" container was taken to Keller Canyon Landfill in Contra Costa County for disposal. Keller Canyon Landfill is not authorized to receive and dispose of hazardous wastes.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

- a). Comply with California Code of Regulations, Title 22, section 66262.11 by performing the requisite Hazardous Waste Determination(s) for all waste generated at Respondent's Site.
- b). Perform and record weekly visual inspections of waste material contained in Respondent's "roll-off" trash containers to prevent recurrence of the alleged violation noted in Section 2. Visual inspections should include examining "roll-off" containers for process waste that could be hazardous including, but not limited to, sand and metal grindings.
- c). Test waste materials in Respondent's "roll-off" trash containers for hazardous waste semi-annually.

3.1.1. Respondent has taken corrective actions for the violation noted in Section 2.

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.

4.4. 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 the total sum of \$ 2,000.00, of which \$1,000.00 is a penalty and \$1,000.00 is reimbursement of the Department's costs incurred in this matter.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 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 **Attn: John Goodykoontz**  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Sonia Feldstein, Esq.  
Office of Legal Affairs  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 300  
Berkeley, California 94710

and

Richard Stewart  
State Oversight and Enforcement Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

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:

7-27-10

  
\_\_\_\_\_  
Signature of Respondent's Representative

Joe Emmerichs

\_\_\_\_\_  
President  
Pacific Steel Casting Company

Dated:

7/28/10

  
\_\_\_\_\_  
Rick Robison  
Supervising Hazardous Substances Scientist  
State Oversight and Enforcement Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control

# PACIFIC STEEL CASTING COMPANY

## PAYMENT VOUCHER

Docket No.: HWCA 2010-2176  
 Complaint : 05-0405-0211

Respondent: PACIFIC STEEL CASTING COMPANY

ID No.: CAD 009 129 461

Total Due: \$ 2,000.00

Administrative Costs \$ 1,000.00

Penalty/Fine \$ 1,000.00

Payment No.	Due Date	Amount Due
<b>Single Payment</b>	<b>Before August 27, 2010</b>	<b>\$2,000.00</b>