

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Petroleum Solids Control, Inc.
1320 East Hill Street
Signal Hill, CA 90755

ID No. CAL000346694
Respondent.

Docket HWCA 2015-7177

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Petroleum Solids Control, Inc. (Respondent).

1.2. Site. Respondent is an equipment rental company servicing the oil and gas, geothermal, and multifaceted environmental industries located at 1320 East Hill Street, Signal Hill, CA 90755 (Site).

1.3. Permit/Interim Status. The Respondent does not have a state permit, certificate, registration, or interim status to manage hazardous waste.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

1.5. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

DETERMINATION OF VIOLATIONS

2. The Department has determined that: the Respondent violated Health and Safety Code, section 25163, subdivision (a)(1), in that on or about November 16, 2009, and through July 18, 2011, it transported hazardous waste 25 times without holding a valid hazardous waste transporter registration issued by the Department. (See Exhibit A).

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall not transport hazardous waste unless and until Respondent obtains a hazardous waste transporter registration or other authorization from the Department. Respondent shall use a registered hazardous waste hauler to transport hazardous waste.

3.1.2. Respondent shall make all payments at the time and in accord with any other conditions set forth in Section 5 (Penalty) below.

3.2. Submittals. All submittals from a Respondent pursuant to this Order shall be sent simultaneously to:

Richard Hubbell, Unit Chief
Cypress-San Diego Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Ave
Cypress, California 90630

And

Ann K. B. Carroll, Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street
P.O. Box 806
Sacramento, California 95812-0806

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.5. 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. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.6. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of

California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.7. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.8. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

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.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$26,546.00. Payment is due within 30 days from the Effective Date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment 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:

Richard Hubbell
Unit Chief
Cypress-San Diego Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Ave
Cypress, California 90630

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

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Date of Issuance: November 4, 2015

ORIGINAL SIGNED

Richard Hubbell, Unit Chief
Cypress-San Diego Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control

EXHIBIT A

List of shipments as a transporter without registration				
	Date	Manifest #	Type	Quantity (T)
1.	20091116	006338674JJK	OFF-SPEC, AGED, OR SURPLUS INORGANICS	0.15
	20091116	006338674JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
2.	20100223	006338678JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.22935
3.	20100312	006338679JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
4.	20100324	006338680JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
5.	20100423	006338681JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
6.	20100428	006338682JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
7.	20100805	006338683JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
8.	20100907	006338684JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
9.	20100908	006338685JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
10.	20101018	006338686JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
11.	20101015	006338687JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
12.	20101116	006338688JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
13.	20101118	006338689JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.0275
14.	20101201	006338690JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
15.	20101202	006338691JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
16.	20110215	006338692JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
17.	20110215	006338693JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.025
18.	20110217	006338694JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
19.	20110217	006338695JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
20.	20110218	006338696JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
21.	20110304	006338698JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
22.	20110412	006338699JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25

List of shipments as a transporter without registration				
	Date	Manifest #	Type	Quantity (T)
23.	20110412	006338700JJK	OFF-SPEC, AGED, OR SURPLUS ORGANICS	0.25
24.	20110415	006338701JJK	OFF-SPEC, AGED, OR SURPLUS ORGANICS	0.25
25.	20110419	006338702JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
26.	20110419	006338703JJK	OFF-SPEC, AGED, OR SURPLUS ORGANICS	0.25
27.	20110428	006338704JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
28.	20110520	006338705JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
29.	20110718	006338706JJK	OFF-SPEC, AGED, OR SURPLUS ORGANICS	0.25
30.	20110718	006338707JJK	UNSPECIFIED OIL-CONTAINING WASTE	0.25
	TOTAL	30 Manifests		5.38185 Tons