

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Rho-Chem, LLC
425 Isis Avenue
Inglewood, California 90301,

Respondent.

Docket HWCA 2016-7229

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Rho-Chem, LLC (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: Rho-Chem, LLC located at 425 Isis Avenue, Inglewood, California 90301 (Site).

1.3. Inspection. The Department inspected the Site on May 21, 22, 23, 29 and June 7, 2013.

1.4. Authorization Status. Respondent was issued a Hazardous Waste Facility Permit on August 28, 2008 for the treatment and storage of hazardous waste. On March 8, 2012 respondent received a 1) Class I Permit Modification to change the regulatory contact person in the Operation Plan and 2) Class II Permit Modification to revise the type and size of containers in two container storage areas.

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.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code, section 25202, Title 22, CCR, §66270.30 Permit Conditions and Hazardous Waste Facility Permit, Page 17, 6. Unit Name: Area F, Container Storage, Activity Description, issued to Rho-Chem, LLC dated July 25, 2008, in that during the time period of April 11, 2013 through May 21, 2013, Rho-Chem, LLC stored 275-gallon capacity tote containers of hazardous waste in Area-F and Area-G.

2.1.2. Respondent violated Health and Safety Code, section 25202, Title 22, CCR, §66270.30 Permit Conditions and Hazardous Waste Facility Permit, Page 17, 6. Unit Name: Area F, Container Storage and Page 32, issued to Rho-Chem, LLC dated July 25, 2008, in that during the time period March 2012 through May 22, 2013, Rho-Chem, LLC, stored hazardous waste in areas not authorized. Respondent stored hazardous waste on the south side of Area F building and in the Loading/Unloading

Area.

2.1.3. Respondent violated Health and Safety Code, section 25202, Title 22, CCR, §66270.30 Permit Conditions Title 22, California Code of Regulations (CCR), § 66264.177 Special Requirements for Incompatible Wastes and the Hazardous Waste Facility Permit, Page 18 Unit Specific Special Conditions, issued to Rho-Chem, LLC dated July 25, 2008, in that on or before May 21, 2013 Rho-Chem, LLC stored one 15-gallon drum containing hazardous waste with pH of 12.7 adjacent to other containers holding acidic hazardous waste. These containers were not separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

2.1.4. Respondent violated Health and Safety Code, section 25202 and Title 22, CCR, §66264.31 Design and Operation of Facility, in that on or about May 22, 2013 and May 29, 2013, Rho-Chem, LLC failed to maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Two pallets located in Area F, holding various size containers of hazardous waste were observed stacked above four 55-gallon drums of hazardous waste which caused both to lean into the aisle, one precariously.

2.1.5. Respondent violated Health and Safety Code, section 25202, Title 22, CCR, §66270.30 Permit Conditions and Hazardous Waste Facility Permit, Page 28 Part V. Special Conditions 1, issued to Rho-Chem, LLC dated July 25, 2008, in that on or before May 22, 2013, Rho-Chem, LLC did not store stacked containers holding hazardous waste on pallets in Area F and in Area G-3.

2.1.6. Respondent violated Health and Safety Code, Section 25202 and Title 22, CCR, §66264.15 General Inspection Requirements in that on various dates during the time period February 18, 2013 through May 29, 2013, Rho-Chem, LLC failed to follow the facility's written inspection schedule and or remedy any deterioration or malfunction of equipment or structures which the inspections revealed.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations set forth above.

3.2. 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 \$61,250, of which \$61,250 is a penalty.

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 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:

Robert Kou
Environmental Program Manager
Department of Toxic Substances Control
Chatsworth Enforcement Branch
9211 Oakdale Avenue
Chatsworth, California 91311

And

Jay Cross
Attorney
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street
Sacramento, California 95834

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 25380.1, 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: 1/15/16

Original signed

Matt Marra
Senior Vice President – Rho Chem, LLC
Respondent

Dated: Jan 28, 2016

Original signed

Robert Kou
Environmental Program Manager
Department of Toxic Substances Control