

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Specialized Environmental, Inc
12115 Rivera Rd.
Whittier, CA 90606

ID No. (CAR000155317)

Respondent.

Docket No. 2009 2249

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent transports of hazardous waste.

1.3. Inspection. The Department inspected the Site on November 12 and 24, 2009.

1.4. Authorization Status. The Department has authorized the Respondent to transports hazardous waste at the site. Hazardous Waste Transporter Registration 3458 which expires on March 31, 2011.

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 violation:

2.1.1. Respondents violated Health and Safety Code, section 25201, subdivision(a) in that on or about (17) occasions between February 26, 2008 and continuing through September 28, 2008, Respondents stored hazardous waste in excess of ten days allowed under the transfer facility exemption and operated a storage facility without a permit or grant of authorization from the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Within the effective date of this Order, Respondents shall operate hereafter in a manner that prevents reoccurrences of the violation cited herein.

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 \$10,000 as a penalty. The payment shall be paid in two (2) installments of \$5,000 each. The installments of \$5,000 (each) are due and payable as follows: on July 1, 2010 and January 1, 2011. Any installment payment that is received by the Department more than fifteen (15) days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than due date of the next installment payment.

5.2. Payment of the total penalty specified in paragraph 5.1 is due within 9 months from the effective date of this Order.

5.3. Respondent's checks 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:

Roberto Kou, Acting Performance manager
Enforcement and Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311

and

James J. Grace, 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: May 31, 2010

Original signed by Mark Perez
Mark Perez, Owner
Specialized Environmental, Inc
Respondent

Dated: June 17, 2010

Original signed by Roberto Kou
Roberto Kou, Performance Manager
Department of Toxic Substances Control