

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Salton Community Services District  
2273 Cleveland Street  
Salton City, California 92029

EPA I.D. No. CAL000288055

Respondent.

Docket HWCA SCUPA 2013 IM002

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control Imperial Certified Unified Program Agency (Department) and Salton Community Services District (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generated and handled hazardous waste at the following site: 2273 Cleveland Street, Salton City, Imperial County (Site).

1.3. Inspection. The Department inspected the Site August 15, 2012.

1.4. Authorization Status. Respondent has a certificate to manage hazardous waste at the Site.

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 violations:

2.1.1. Respondent violated Health and Safety Code section 25201 in that on or about August 15, 2012, Respondent stored a total of five 55-gallon drums of used oil, a California-regulated hazardous waste, three, 55-gallon drums of used oil filters, and one 55-gallon drum of waste antifreeze without authorization by the Department. (Repeat Violation).

2.1.2. Respondent violated Health and Safety Code section 25201 in that on or about August 15, 2012, Respondent disposed to the ground used oil. The used oil covered an area approximately 4 feet by 4 feet. Used oil is a California-regulated hazardous waste.

2.1.3. Respondent violated Health and Safety Code section 25507 in that on or about August 15, 2012, Respondent did not, upon discovery of a release of used oil,

immediately report a release of a hazardous material to California Emergency Management Agency.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66265.31, in that on or about August 15, 2012, Respondent did cause the release of used oil into the secondary containment and onto asphalt immediately adjacent to the drums containing used oil. The used oil covered approximately 4 feet by 4 feet area.

2.1.5. Respondent violated Health and Safety Code section 25504(c) in that on or about August 15, 2012, Respondent did not implement the training as described in the Respondent's Hazardous Material Business Plan, resulting in no training records for any employees.

2.1.6. Respondent violated California Code of Regulations, title 22, section 66262.40(a) in that on or about August 15, 2012, Respondent did not retain copies of all Uniform Hazardous Waste Manifests, Consolidated Manifests, and/or Bills of Lading for the previous three years (Repeat violation).

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. This violation has been corrected to the satisfaction of the Department.

3.1.2. This violation has been corrected to the satisfaction of the Department.

3.1.3. This violation has been corrected to the satisfaction of the Department.

3.1.4. This violation has been corrected to the satisfaction of the Department.

3.1.5. This violation has been corrected to the satisfaction of the Department.

3.1.6. This violation has been corrected to the satisfaction of the Department.

#### 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 a total penalty of \$16,000. Of the total

due, \$11,000 is a penalty; \$5,000 shall be a credit for a Supplemental Environmental Project (SEP) as described below. The \$11,000 penalty shall be paid to the Department no later than 60 days of the effective date of this Order.

5.2. Supplemental Environmental Project: Respondent agrees to a Supplemental Environmental Project whereby no more than \$5,000 of the penalty described in this Order can be used towards the successful completion of the SEP. Any SEP submitted to the Department by the Respondent must have an itemized list of all monies expected to be incurred. Any monies not used by completion of the SEP must be returned to the Department within 30 days of completion of the SEP. The approval of any SEP recommended by the Respondent or the Department is subject to the sole approval of the Department. Should no SEP be approved by the Department within 60 days of the effective date of this Order, Respondent shall remit the \$5,000 within 90 days of the effective date of this order to the Department as described below.

5.3. Respondent's check(s) for the penalty 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:

Roger Vintze  
Hazardous Substance Scientist II

DTSC Imperial CUPA  
627 Wake Avenue  
El Centro, California 92243

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: December 12, 2013

Original signed by John S. Fiefield  
John S. Fiefield  
Respondent

Dated: December 12, 2013

Original signed by Roger Vintze  
Roger Vintze  
Department of Toxic Substances Control