

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

City of Santa Ana Corporate Yard
215 South Center Street
Santa Ana, California 92703

EPA ID NO. CAR000002683

Respondent.

Docket HWCA 2011-4049

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to City of Santa Ana Corporate Yard (“Respondent”).

1.2. Site. Respondent generated, handled, treated, and stored hazardous waste at the following site: 215 South Center Street, Santa Ana, California 92703 (Site).

1.3. Inspection. The Department conducted a complaint investigation of the Site on October 19, 2011.

1.4. Authorization Status. Respondent is a generator of hazardous waste.

1.5. 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.

DETERMINATION OF VIOLATIONS

2.1. The Department has determined that:

2.1.1. Respondent violated California Health and Safety Code, section 25189.2(d) in that on or about May 12, 2011, Respondent caused the storage of a hazardous waste at Lights Out Disposal Company, an unauthorized hazardous waste storage facility. In addition, Respondent violated California Code of Regulations, title 22, section 66262.20(b), in that Respondent failed to designate on the manifest a facility which is permitted to store the waste described on the manifest. Instead, Respondent designated Lights Out Disposal Company, as evidenced by Uniform Hazardous Waste Manifest, Tracking Number 008378195JJK. The waste described on the manifest is two 55-gallon drums of "broken light tubes."

2.1.2. Respondent violated Health & Safety Code, section 25201(a), and California Code of Regulations, title 22, section 66273.31(b), as follows:

On or before March 10, 2009, Respondent treated universal waste by breaking fluorescent lamps without authorization, as evidenced by Uniform Hazardous Waste Manifest, Tracking Number 005445625 JJK.

On or before February 25, 2010, Respondent treated universal waste by breaking fluorescent lamps without authorization, as evidenced by Uniform Hazardous Waste Manifest, Tracking Number 006904665 JJK.

On or before May 12, 2011, Respondent treated universal waste by breaking fluorescent lamps without authorization, as evidenced by Uniform Hazardous Waste Manifest, Tracking Number 008378195 JJK.

On or before October 19, 2011, Respondent treated universal waste by breaking

fluorescent lamps without authorization, as evidenced by observations of DTSC inspectors during a complaint investigation on October 19, 2011.

SCHEDULE FOR COMPLIANCE

3. The above violations have been corrected.

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

5.1. Based on the foregoing DETERMINATION OF VIOLATIONS and pursuant to California Health and Safety Code section 25189.2, the Department sets the amount of Respondent's penalty at \$21,000.

5.2. 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:

Carmelita E. Lampino, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
5796 Corporate Avenue
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.

Date of Issuance: June 15, 2012

Original signed by Carmelita E. Lampino
Carmelita E. Lampino
Unit Chief
Department of Toxic Substances Control