

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

STIPULATION AND ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and City of Santa Ana Corporate Yard (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued by the Department on June 15, 2012. (Attached as Exhibit 1.)
2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.
3. Jurisdiction exists pursuant to Health and Safety Code section 25187.
4. Respondent waives any right to a hearing in this matter.
5. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

- 6.1. The alleged violations have been corrected.

6.2. Respondent shall make all payments at the time(s) set forth in Section 7, below.

6.3. 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 further actions as are necessary to protect public health or welfare or the environment.

### PAYMENTS

7. Within 30 days of the effective date of this Order, Respondent shall pay the Department a total of penalty of \$16,800. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Carmelita Lampino, Unit Chief  
Emergency Response and Enforcement Program  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

To: Christopher P. Cho  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street  
P. O. Box 806  
Sacramento, California 95812-0806

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.

#### OTHER PROVISIONS

8.1. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Order.

8.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil 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.

8.3 Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, agents, employees, contractors, consultants, successors, and assignees, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

8.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

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8.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: August 16, 2012

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

Dated: August 10, 2012

Original signed by Paul M. Walters  
Paul M. Walters, City Manager  
City of Santa Ana  
Respondent

ATTEST:

Original signed by Maria D. Huizar  
Maria D. Huizar  
Clerk of the Council

Approved as to Form:

Original signed by Laura S. Sheedy  
Laura S. Sheedy  
Assistant City Attorney

# EXHIBIT 1

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