

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2011-6009

Schaffer Grinding Company, Inc.
8303 Sorensen Avenue
Santa Fe Springs, California 90670

CONSENT ORDER

Health and Safety Code
Section 25187

ID No. CAL000292826

Respondent.

1. INTRODUCTION

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

1.2. Site. Respondent is a generator of hazardous waste at 8303 Sorensen Avenue, Santa Fe Springs, California 90670 (Site).

1.3. Inspection. The Department conducted an investigation at the Site on November 16, 2011.

1.4. Authorization Status. Respondent is a generator of hazardous waste and is regulated by the Santa Fe Springs Certified Unified Program Agency.

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 California Health and Safety Code section 25189.2(d) in that between May and September 2011, Respondent sent four (4) shipments of Titanium (Ti) and Magnesium (Mg) grindings, inorganic hazardous wastes, as RCRA hazardous wastes from the Site to Recicladora Temarry de Mexico, S.A. de C.V. (Temarry), a solvent (organic) recycling facility located in Tecate, Mexico. Respondent used Uniform Hazardous Waste Manifest Nos. 008837262JJK, 008837315JJK, 008837619JJK and 008838202JJK to ship a total of 328, 55-gallon capacity drums of Ti grindings and four, 55-gallon drums of Mg grindings to Temarry. According to the permit issued by SEMARNAT, the Mexican Federal Permitting Agency, Temarry is only authorized to receive and treat organic hazardous waste.

2.1.2. Respondent violated California Code of Regulations title 22, section 66262.20(a) in that on or about November 16, 2011, Respondent failed to prepare a complete manifest for hazardous waste transported or sent off-site. Respondent transported four, 55-gallon drums of Mg grindings from Respondent's facility located at 848 South Maple Avenue, Montebello, California (Montebello Facility) to the Site without a hazardous waste manifest.

2.1.3. Respondent violated California Health and Safety Code section 25163(a) in that on or about November 16, 2011, Respondent transported four, 55-gallon drums of Mg grindings, a hazardous waste, without a valid hazardous waste transporter registration issued by the

Department. Respondent transported the four drums from Respondent's Montebello Facility to the Site.

2.1.4. Respondent violated California Health and Safety Code section 25201(a) in that on or about November 16, 2011, Respondent accepted and stored four, 55-gallon drums of Mg grindings without a permit or authorization from the Department. The four, 55-gallon drums of Mg grindings were generated at Respondent's Montebello Facility and subsequently accepted by and stored at the Site.

2.1.5. Respondent violated California Code of Regulations, title 22, section 66265.31 in that on or about November 16, 2011, Respondent failed to maintain or operate the Site to minimize the possibility of 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. At the Site, Department staff observed releases of Ti grindings onto the concrete next to 55-gallon drums staged by the collection sumps, around hazardous waste drums staged in the backyard, and in the Site's parking lot.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations alleged in Section 2 above.

3.2. Respondent shall comply with the following:

3.2.1. Respondent shall not transport or cause the transportation of hazardous waste to an unauthorized facility.

3.2.2. Respondent shall prepare a complete manifest for all hazardous waste transported or sent off-site.

3.2.3. Respondent shall not transport any hazardous waste without a valid registration issued by the Department.

3.2.4. Respondent shall not accept and/or store hazardous waste from off-site unless the Respondent receives a permit or authorization from the Department for such activity.

3.2.5. Respondent shall operate the Site in a manner such that it minimizes the possibility of 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.

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 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.

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.

4.9. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

4.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

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

5. PENALTY AND PAYMENT

5.1. Respondent shall pay the Department the total sum of \$160,000 dollars of which \$139,458 dollars is a penalty and \$20,542 dollars is reimbursement of the Department's costs incurred in this matter.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days of the Effective Date of this Order.

5.3. Respondent's check(s) shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this Order, and shall be delivered together with the attached Payment Voucher to the following:

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:

Mr. Alfredo Rios, Senior Environmental Scientist (Sup)
Emergency Response and Enforcement Division
Department of Toxic Substances Control
2375 Northside Drive, Suite 100
San Diego, California 92108

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: 2/19/15

Original signed by Catherine Schaffer Bohlen

Catherine Schaffer Bohlen, President
Schaffer Grinding Company, Inc.

Dated 3/9/15

Original signed by Carmelita Lampino

Carmelita Lampino
Branch Chief
Emergency Response and Enforcement Program
Department of Toxic Substances Control