

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Asbestos Removal, Inc.
dba Sirris Abatement
12303 Woodruff Ave.
Downey, California 90241

ID No. CAL 000 303 596

Respondent.

Docket HWCA 2009 2011

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Asbestos Removal, Inc. dba Sirris Abatement (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste.

1.3. Inspection. The Department inspected Respondent on October 21, 22, and 23 of 2008.

1.4. Authorization Status. The Department authorized Respondent to transport hazardous waste by hazardous waste transporter Registration Number 5296.

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 violation 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 California Health and Safety Code section 25201, subdivision (a), in that on five separate incidents in 2007 and 2008, Respondent stored hazardous wastes without a permit or other grant of authorization from the Department.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66263.20, subsection (g), in that between on or about October 15, 2008, and October 21, 2008, Respondent upon delivery of the hazardous waste to the second transporter had failed to obtain the date of delivery and signature from the second transporter. Respondent also failed to retain a copy of the manifests.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66263.20, subsection (a), in that between on or about January 30, 2008, and October 21, 2008, Respondent accepted waste asbestos, a hazardous waste, from generators without completed and signed waste manifests.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. The Respondent shall operate hereafter in a manner that shall prevent reoccurrences of the violations 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 5.1.

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 payments shall be paid in four (4) installments of \$2,500 each. The installments of \$2,500 each are due and payable as follows: On September 1, 2009; December 1, 2009; March 1, 2010; and June 1, 2010. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by the Respondent no later than the due date of the next installment payment.

5.2. 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(s) shall be sent to:

Roberto Kou
Supervising Hazardous Substances Scientist I
Enforcement and Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

and

James J. Grace, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

5.3. Respondent hereby agrees to send one of its employees to the California Compliance School, Modules I through IV. Attendance of each and every module must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$5,000 provided the employee satisfactorily completes the specified modules and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the Certificate of Satisfactory Completion as required, the penalty of \$5,000 becomes due and payable within 30 days after the 185 day period expires. The 185-day period may be extended by a Department Branch Chief upon written request from the Respondent demonstrating good cause.

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: July 29, 2009

Original signed by Ricardo Miramontes
Respondent Signature

Ricardo Miramontes
Printed Name of Respondent

Dated: August 3, 2009

Original signed by Robert Kou
Robert Kou, Performance Manager
Enforcement & Emergency Response Program
Department of Toxic Substances Control