

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2013 - 6269

Specialized Environmental Inc.
1741 South Claudina Way
Anaheim, California 92805

CONSENT ORDER

Health and Safety Code
Section 25187

EPA ID Number: CAR000155317

Respondent.

1. INTRODUCTION

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

1.2. Site. Respondent generated, handled, transported, and stored hazardous waste at the following site: 7431 Walnut Avenue, Buena Park, California 90620 (Site).

1.3. Inspection. The Department inspected the Site on June 18, 2012.

1.4. Authorization Status. Respondent is an active hazardous waste transporter holding registration # 3458 issued by the Department.

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 25163 subdivision (a)(1) in that on 12 occasions between July 1, 2011 and December 12, 2011, Respondent transferred custody of a hazardous waste to a transporter who did not hold valid registration issued by the Department.

2.1.2 Respondent violated Health and Safety Code section 25201, subdivisions (a), in that on or about January 25, 2011 and continuing through July 28, 2011, Respondent operated a storage facility without a permit.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations set forth above.

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. The Department has assessed an administrative penalty against Respondent, in the sum of \$14,640. However, Respondent has represented and provided supporting evidence pursuant to California Code of Regulations, title 22, Section 66272.68 subsection (d) (Ability to Pay), that Respondent does not have the

financial resources to pay the full penalty amount in this matter. In reliance upon Respondent's representations and certifications of its inability to pay the full penalties, the Department agrees that, the full administrative penalties assessed against the Respondent shall be waived.

5.2. The monetary settlement in paragraph 5.1 above reflects the Respondents Ability to Pay claim and not the merits of the Department's allegations or the seriousness of the violations alleged in this Consent Order. The Department reserves the rights to reconsider its decision and demand immediate payment of the assessed penalty in the amount of \$14,640, as well as any accrued interest and attorneys' fees, should it later determine that the information provided by the Respondent was incorrect and/or inaccurate.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 5-14-14

Original Signed by Lisa Heyrend
Respondent's Representative / Lisa Heyrend

Dated: 5/21/14

Original Signed
Christie Bautista
Enforcement & Emergency Response Division
Department of Toxic Substances Control