

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

T and R Environmental Services, Inc.
1873 San Simeon Street
Pomona, CA 91767

ID No. CAR000164327
Respondent.

Docket HWCA 2015-7176

CONSENT ORDER

Health and Safety Code
Section 25187

The California Department of Toxic Substances Control (Department) and T and R Environmental Services, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows

1. Respondent handles and transports hazardous waste at the following site:

1873 San Simeon Street, Pomona, CA 91767 (Site).

2. Respondent is a Registered Hazardous Waste Transporter with a registration # 4841, effective on January 30, 2016.

3. The Department alleges the following violation:

The Respondent violated California Health and Safety Code, section 25163 (a), and California Code of Regulations, Title 22, section 66263.11(b), in that on or about January 1, 2015 to January 26, 2015, Respondent transported hazardous waste without a valid hazardous waste hauler registration from the Department.

4. A dispute exists regarding the alleged violations

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to section 25187 of the Health and Safety Code

7. Respondent waives any right to a hearing in this matter.

8. This Order shall constitute full settlement of the violations alleged above. 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 this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

9. Respondent admits the violations as alleged above.

SCHEDULE FOR COMPLIANCE

10. The violation was corrected.

10.1. Submittals. All submittals from a Respondent pursuant to this Order shall be sent to:

Richard Hubbell
Unit Chief
Cypress-San Diego Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Ave
Cypress, California 90630

10.2. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

10.3. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.4. 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. 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.

10.5. 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 agent in carrying out activities pursuant to the Order.

10.6. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.7. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENT

11. Within 30 days of the effective date of this Order, Respondent shall pay the Department a total of \$9,000.00. 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 "Docket Number HWCA 2015-7176". Respondent shall deliver the penalty payment together with 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 shall be sent to:

Richard Hubbell
Unit Chief
Cypress-San Diego Enforcement Branch
Enforcement and Emergency Response Division
Department of Toxic Substances Control
5796 Corporate Ave
Cypress, California 90630

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 attorneys' fees

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

12.2. 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.

12.3. 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.

12.4. Time Periods. "Days" for purposes of this Order means calendar days.

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

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

Dated: 10-12-16


- Original Signed -

Rafael Arellano, President
T & R Environmental Services, Inc.

Dated: 10/12/2016


- Original Signed -

Richard Hubbell, Unit Chief
Cypress/San Diego Enforcement Unit
Enforcement and Emergency Response Division
Department of Toxic Substances Control