

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Temecula Quality Plating, Inc.
40395 Black Deer Loop
Temecula, CA 92590.

ID No. CAR000200105

Respondent.

Docket HWCA 2011 4189

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2 Site. Respondent generates hazardous waste at 40395 Black Deer Loop, Temecula, CA 92590 (Site).

1.3. Inspection. The Department inspected the Site on September 15, 2011.

1.4. Authorization Status. Generator. The Respondent generates the following hazardous waste: Corrosive waste (D002); Chromium bearing wastes (D007); Lead bearing wastes (D008) .

1.5 Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code section 25187, which 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 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 right to a hearing in this matter.

1.8 Admissions. By entering into this Consent Order, the Respondent does not admit the violations alleged in Section 2.

2. VIOLATIONS ALLEGED

2. 1 The Department alleges the following violations:

2.1.1 Respondent violated California Code of Regulations, title 22, section 66262.20, in that on or about May 6, 2011, the Respondent failed to prepare a hazardous waste manifest when offering for transportation, hazardous waste for off-site disposal.

2.1. 2 Respondent violated California Code of Regulations, title 22, section 66262.11, in that on or about May 6, 2011 Respondent failed to conduct a hazardous waste determination on "rain water".

2.1.3 Respondent violated California Code of Regulations, title 22, section 66262.40 (a) & (c), in that on or about May 6, 2011 Respondent failed to keep and maintain records pertaining to hazardous waste manifests and waste determinations for three years.

SCHEDULE FOR COMPLIANCE

3.1 Respondent shall comply with the following:

3.1.1 Respondent shall prepare a Uniform Hazardous Waste Manifest when offering for transportation, their hazardous wastes for off-site disposal.

3.1.2 Effectively immediately a hazardous waste determination shall be made for all waste streams from the facility. The waste determination shall be made for each hazardous material used in any process utilizing the method specified in title 22, section 66262.11 (including STLC tests). All wastes determined to be hazardous shall be managed and disposed of as hazardous waste using the appropriate hazardous waste manifest and registered hazardous waste transporter, and to a facility permitted to accept the waste stream. The hazardous waste determination shall be kept at the facility for inspection in accordance with section 66262.40.

3.1.3 Effectively Immediately, Respondent shall keep records including manifests, test results, waste analysis, or other determinations made in accordance to section 66262.11 for at least 3 years from the date the waste was sent off-site for treatment, storage or disposal.

3.1.4 Respondent shall make all payments at the time and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability: Nothing in this Consent 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 Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take 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, receivers, trustees, employees, contractors, consultants, 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 Consent 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 agreement.

5. PENALTY

5. 1. Respondent agrees to pay the Department the sum of \$9,000.00.

5.2. Payment of \$9,000 specified in paragraph 5.1 is due in three equal installments. Respondent shall pay the Department a first installment of \$3,000.00 on or before July 1, 2012. Respondent shall pay the second installment of \$3,000.00 on or before October 1, 2012; and final installment of \$3,000.00 on or before January 1, 2013. Any installment 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. If the Respondent is late in making payments, or fails to make a full installment payment within 30 days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalty due and owing.

5.3. 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 shall be sent:

Roberto Kou, Acting Performance Manager
Department of Toxic Substances Control
Enforcement and Emergency Response Program
9211 Oakdale Avenue,
Chatsworth, CA 91311

5.4. Respondent hereby agrees to send two employees to the specified California Compliance School (Modules I – IV). Attendance must be completed and the Respondent must submit Certificates of Satisfactory completion issued by the California Compliance School to the Department within 185 days of the effective date of this Consent Order. In recognition of this educational investment, the penalty imposed by this Consent Order has been reduced by \$2,000 provided that the employees satisfactorily complete the specified modules and the

Department receives the Certificates of Satisfactory Completion within 185 days of the effective date of this Consent Order.

If the Respondent fails to submit the certificates as required, the penalty of \$2,000 is 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 a written request demonstrating good cause from the Respondent.

5.4. If Respondent fails to make payment as provided above, Respondent further agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all cost incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

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

Dated: 5/18/12

Original signed by Dat Vo

[Signature]
Signature of Respondent's Representative

Dat Vo, VP
Typed or Print Name and Title of Respondent's Representative

Dated: May 24, 2012

Original signed by Roberto Kou

[Signature]
Roberto Kou, Acting Performance Manager
Department of Toxic Substances Control
Enforcement and Emergency Response Program
9211 Oakdale Avenue,
Chatsworth, CA 91311