

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Thermo Fluids, Inc.
910 E. 4th Street
Santa Anna, California 92701

EPA ID No. CAL000381082

Respondent.

Docket HWCA20147089

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent transports hazardous waste.

1.3. Inspection. The Department inspected the Site on January 15 and 22, 2014 in response to an alleged complaint.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Transporter Registration # 3871, that expires on October 31, 2014.

1.5. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

2. DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. Respondent violated Health and Safety Code, Section 25201(a), in that, on or about January 22, 2014, Respondent stored hazardous waste at an unauthorized area without a permit.

2.2. Respondent violated Title 22, California Code of Regulations, Section 66262.20(a) in that on or about January 22, 2014, Respondent transported or offered for transportation hazardous waste without preparing a completed and signed manifest.

3. SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Effective immediately Respondent shall comply with the conditions of Health and Safety Code, Section 25201(a), by ceasing the storage of hazardous waste in an unauthorized area without a permit.

3.1.2. Effective immediately Respondent shall comply with the conditions of Title 22, California Code of Regulations, Section 66262.20(a) by transporting or offering for transportation hazardous waste only after preparing a completed and signed manifest.

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 \$16,280 (sixteen thousand, two hundred and eighty dollars), as a penalty.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check 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 to:

Christie Bautista, Unit Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

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: 11/6/2014

Original signed by Greg Hedger

Greg Hedger, Corporate Director, EHS
Thermo Fluids, Inc.

Greg Hedger

Greg Hedger (Print Name)

Dated: 11/10/14

Original signed by Christie Bautista

Christie Bautista, Unit Chief
Department of Toxic Substances Control