

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Veolia ES Technical Solutions, L.L.C.
1704 West First Street
Azusa, California 91702

ID No. CAD008302903

Respondent.

Docket HWCA 2008-1688

CONSENT ORDER TO CORRECT
VIOLATIONS

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Veolia ES Technical Solutions, L.L.C. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 1704 West First Street, Azusa, California 91702 (Site).

1.3. Inspection. The Department inspected the Site on October 24, 25, 31, November 1, 9, and 16, 2007.

1.4. Authorization Status. The Department has authorized the Respondent to treat and store hazardous wastes at the site. A Hazardous Waste Facility Permit was issued on November 29, 1989, with an expiration date of November 29, 1994. Respondent timely submitted its permit renew package in June 1994. After review, the

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Department issued a letter of completeness allowing Respondent to continue operating under the expired permit until the issuance of new permit which is pending.

1.5. Jurisdiction. Health and Safety Code, section 25187, subdivision (a), authorizes the Department to order action necessary to correct violations 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. By their respective signatures 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. This Order shall constitute full settlement of the violations alleged below. By agreeing to this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction and involving either the Respondent(s) or the Site, except to the extent 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 described below.

2. DETERMINATION OF VIOLATIONS

2.1. The Department has determined that:

2.1.1. Respondent violated Health and Safety Code, section 25200.19, in that on or about October 25, 2007, the Respondent failed to move the hazardous waste directly between the authorized unit and the transport vehicle during loading or unloading operations.

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2.1.2. Respondent violated title 22, California Code of Regulations, section 66264.73 (b) (2), in that on or about October 25, 2007, Respondent failed to record the location and quantity of a container in the container storage area.

3. SCHEDULE FOR COMPLIANCE

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

3.1.1. Effective immediately, Respondent shall move hazardous waste directly between the authorized unit and the transport vehicle during loading or unloading operation.

3.1.2. Effective immediately, Respondent shall record a description and the quantity of each hazardous waste received, the method(s) and date(s) of its transfer, treatment, storage, or disposal at the facility, the location of each hazardous waste within the facility, and the quantity at each location. Said record shall include, without limitation, the location of all containers stored at the fraction bay, tank containment, or consolidated into the roll-offs and still located in the container storage area. Also the quantity at each location.

4. OTHER PROVISIONS

4.1. Additional Enforcement Action. By issuance of this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction involving either Respondent(s) or the Site.

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

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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.

4.4. Privileges. Nothing in this Consent Agreement shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its obligations under this Consent Order.

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

5. PENALTIES

5.1 Prior to the occurrence of the violations alleged herein, Veolia met with Department personnel to establish lawful procedures regarding the use of storage containers for waste at the Azusa facility. At that meeting, Veolia believed it had reached an understanding with Department staff on those procedures and subsequently sent the staff a written summary of that understanding and asked for the staff's written concurrence. Veolia received no response and concluded that the lack of response meant the staff agreed with Veolia's summary and began to operate in accordance with those procedures.

5.2. Department staff believed that they had made it clear to Veolia that the conditions described in the violations alleged were contrary to regulatory requirements and that no further statement was required.

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5.3 As a result of the communication failures described above, the Department has not assessed a penalty. Any future violation as described in paragraph 2 above will result in the imposition of a penalty

6. EFFECTIVE DATE

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

Dated: 10/2/09



Mark Olson
Branch General Manager
Veolia ES Technical Solutions, L.L.C.

Dated: 10/14/09



Mukul Agarwal, Unit Chief
Enforcement and Emergency Response
Department of Toxic Substances Control

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