

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Waste Management
of Alameda County, Inc.
172 98th Avenue
Oakland, California 94603

ID No. CAD982347098
Respondent.

Docket HWCA 2010-4149

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Waste Management of Alameda County, Inc., a California Corporation (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent picks-up and transports universal waste from residential curbside locations in Alameda County to a transfer station, and dispatches the personnel, who pick-up and transport the universal waste, from an office located at 172 98th Avenue, Oakland, California (Site.)

1.3. Inspection. The Department inspected the Site October 4, 2010.

1.4. Authorization Status. Respondent is a universal waste transporter.

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.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations: Respondent violated California Code of Regulations, title 22, section 66273.51(a) and (b) in that on or about October 1, 2010, Respondent treated and disposed of universal waste at 3656 Martin Luther King Jr. Way in the City of Oakland, California. The Department's information indicates that on or about October 1, 2010, drivers for Respondent put a computer tower and two televisions into a garbage truck and crushed them. A video of the incident corroborates the allegation.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations set forth above.

3.1.1. 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 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. Respondent shall pay the Department the total penalty of \$4,500.

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(s) shall be sent to:

Maria Soria, Branch Chief
Enforcement and Emergency Response Division
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710-2721

and

Stephanie Lai, Esq. Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710-2721

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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: 11/11/2013

Original signed by Barry Skolnick

Barry Skolnick, President
Waste Management of Alameda County, Inc.
Respondent

Dated: 11/19/13

Original signed by Maria Soria

Maria Soria, Branch Chief
Enforcement and Emergency Response
Division
Department of Toxic Substances Control

