

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Jack Engle & Co.  
8440 South Alameda Boulevard  
Los Angeles, California 90001

ID No. CAD981450439

Respondent.

Docket HWCA 2011-4589

CONSENT ORDER

Health and Safety Code  
Section 25187

The California Department of Toxic Substances Control (Department) and Jack Engle & Co. (Respondent), a California Corporation, enter into this Consent Order (Order) and agree as follows:

1. Respondent is located at 8440 South Alameda Boulevard, Los Angeles, California 90001 (Site).
2. The Department inspected the Site on October 27, 2011.
3. Based on that inspection, the Department alleges the following violations:
  - 3.1. Respondent allegedly violated Health and Safety Code Section, 25201(a) in that on or about January 26, 2011 Respondent allegedly accepted material, that the Department alleges contains hazardous waste, without authorization or a permit from the Department.
  - 3.2. Respondent allegedly violated Health and Safety Code Sections, 25189.2(b) and 25201(a) in that on or before October 27, 2011, Respondent stored

finely divided heavy metal, which the Department claims is a hazardous waste, at an unauthorized point without a permit or authorization.

3.3. Respondent allegedly violated Health and Safety Code Section, 25160(b)(1) and California Code of Regulations, title 22, section 66262.20, in that on or about October 22, 2010, Respondent arranged the finely divided heavy metal, which the Department claims is a hazardous waste, for transport without a manifest.

4. A dispute exists regarding the alleged violations. These alleged violations arise from Respondent's efforts to recycle certain materials to avoid and/or reduce waste and lessen the environmental burdens posed by such waste. At no time did this recyclable material, which the Department claims to be in part a hazardous waste, impact the environment or cause any individual to be exposed to same.

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

6. Jurisdiction exists pursuant to Health and Safety Code Section 25187.

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

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

## SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1. While Respondent disputes these alleged violations, it has taken the appropriate action to address the alleged violations, and therefore nothing else by way of corrective action or compliance is required by Respondent at this time: Respondent agrees to operate hereafter in a manner that shall prevent recurrences of the alleged violations cited above.

9.2 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.

## PAYMENTS

10. Respondent shall pay the Department a total of sixty thousand dollars (\$60,000). Respondent may pay this sum in twenty-four (24) monthly installments of \$2,500, with the first installment due thirty (30) days from the Effective Date and the last installment of \$2,500 due two years from the Effective Date. However, Respondent may pre-pay any of the monthly installments. Respondent may make payment by credit card or cashier's check. Respondent's cashier's check shall be made payable to Department of Toxic Substances Control, 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:

Robert Kou  
Environmental Program Manager  
Enforcement and Emergency Response Division  
9211 Oakdale, Avenue,  
Chatsworth, CA 91311

To:

Jay Cross  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23rd floor  
P. O. Box 806  
Sacramento, California 95812-0806

#### OTHER PROVISIONS

11.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.2. Parties Bound: This Consent 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.

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

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

11.5. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: 6-22-2017

Original signed by Jack Engle  
Respondent, Jack Engle & Co.

Dated: June 22, 2017

Original signed by Robert Kou  
Department of Toxic Substances Control