



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE

Department of Toxic Substances Control

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\$50,000 Settlement Agreement with Esparza's Welding and Machine Shop, Inc.

San Diego – The California Department of Toxic Substances Control (DTSC) today announced a \$50,000 settlement with Esparza's Welding and Machine Shop, Inc. of 114 North Center Street in Westmoreland, California. The settlement stems from violations involving the illegal management of hazardous waste. DTSC previously issued an Enforcement Order for Corrective Action in January 2002. Several days later, Esparza's Welding and Machine Shop, Inc. filed for bankruptcy in the United States Bankruptcy Court, Southern District of California under Chapter 11.

The settlement stems from complaint investigations between 1998 and 2000 by DTSC inspectors. The violations noted were:

- Illegal disposal of hazardous waste.
- Contamination from metals in waste paints, volatile organic compounds and flammable materials into the environment through groundwater, airborne dust, and surface water runoff.
- Hazardous waste paint primers containing zinc disposed to the ground by accidental and intentional overspray at three locations at or near the facility.
- Zinc contaminated tarps placed in a dumpster headed for a Class III municipal landfill, which is not authorized to receive hazardous waste.
- Zinc-based primers and epoxies containing solvents disposed to the air.
- Failure to keep hazardous waste containers closed except when adding or removing hazardous waste.
- Failure to label containers of hazardous waste.
- Failure to submit a written report to the Department documenting corrective action.

In March of 2005, the Bankruptcy Court approved of the facility's Amended Plan of Reorganization. The Stipulation and Order was then executed January 11, 2006. The terms of the settlement include:

- Esparza admits the violations stated in the Enforcement Order on or before October 11, 2006.
- Agrees to submit a written response to the Summary of Violations documenting corrective actions taken or proposed by Esparza for purposes of compliance with the Stipulation and Order.

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- Contact the Permitting and Corrective Action Branch to continue efforts to investigate and remediate the contamination from their actions at the Alamo River site, where the painting of metal fabricated parts occurred because of its flat and easily accessible location.
- Follow all generator requirements in management of its hazardous wastes.
- Pay the Department's administrative costs in the sum of \$37,500 as well as a penalty in the sum of \$12,500, as follows: \$5,000 credit for three senior officers or employees of Esparza's Welding and Machine Shop to attend a 3-day program of Compliance School no later than December 31, 2006; and \$7,500 for Supplemental Environmental Projects where Esparza is to provide a cashiers check in the amount of \$7,500 to the office of the Executive Secretary, Imperial County Fish and Game Commission, at 1002 State Street, El Centro, California, 92244.

A copy of the Order formalizing the settlement is available on the DTSC website, www.dtsc.ca.gov .

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The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.