

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

**Golden West Brass Industry, Inc.  
2458 N. Rosemead Blvd.  
South El Monte, CA 91733**

Respondent.

Docket HWCA **2009 2090**

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Golden West Brass Industry, Inc. (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: 2458 N. Rosemead Blvd., South El Monte, CA 91733.

1.3. Inspection. The Department inspected the Site on November 16, 2008.

1.4. 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.

1.5. Full Settlement. This Order shall constitute full settlement of the violation 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.

1.6. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.7. Admissions. Respondent admits the violation as alleged in Section 2 below.

## 2. VIOLATION ALLEGED

2.1. The Department alleges the following violation: Health and Safety Code section 25201 subdivision (a) in that on or about January 28, 2008 and continuing through February 3, 2008, Respondent operated a storage facility without a permit or other grant of authorization from the Department. To Wit: Respondent stored ten 55-gallon drums containing hazardous wastes (shooting range waste contaminated with fine powders) for over 90 days.

## 3. SCHEDULE FOR COMPLIANCE

3.1.1. Respondent has corrected the violation set forth above.

3.2. Respondent shall make all payments at the time(s) 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 sum of \$7,500. Respondent shall make the payment of this sum in four installments, as follows: Two thousand dollars (\$2,000) will be paid on or before December 2, 2009, on June 2, 2010, on December 2, 2010, and a final payment of \$1,500 on June 2, 2011.

5.2. Respondent's check(s) 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:

Robert Kou  
Supervising Hazardous Substances Scientist I  
Department of Toxic Substances Control  
Enforcement and Emergency Response Program  
9211 Oakdale Avenue  
Chatsworth, California 91311

and

James J. Grace, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

5.3. Respondent hereby agrees to send one employee to the specified California Compliance School (Modules I – IV). Attendance must be completed and the Respondent must submit a Certificate of Satisfactory completion issued by the California Compliance School to the Department within 185 days of the effective date of this Consent Order. In recognition of this educational investment, the penalty imposed by this Consent Order has been reduced by \$5,000 provided that the employee satisfactorily completes the specified modules and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Consent Order. If the Respondent fails to submit the certificate as required, the penalty of \$5,000 is due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a Department Branch Chief upon a written request demonstrating good cause from the Respondent.

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: October 8, 2009

Original signed by David Chaing

Respondent

Dated: October 15, 2009

Original signed by Roberto Kou

Roberto Kou  
Supervising Hazardous Substances Scientist II  
Department of Toxic Substances Control