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STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

All Electronics Technology Inc.  
3570 Fruitland Ave  
Maywood, California 91270

**344 688**  
ID No. CAL 000 ~~332-721~~

Respondent.

Docket HWCA 2008 1895

STIPULATION AND ORDER

Health and Safety Code

Section 25187

The State Department of Toxic Substances Control (Department) and All Electronics Technology Inc. (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued by the Department on July 28, 2009. (Attached as Exhibit 1.)
2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.
3. Jurisdiction exists pursuant to Health and Safety Code section 25187.
4. Respondent waives any right to a hearing in this matter.



1 fails to comply with the Order or fails to protect public health or safety or the  
2 environment, the Department may:

3 a. Modify the document as deemed necessary and approve the document as  
4 modified; or

5  
6 b. Return the document to Respondent with recommended changes and a date  
7 by which Respondent must submit to the Department a revised document incorporating  
8 the recommended changes.

9  
10 7.4. Compliance with Applicable Laws: Respondent shall carry out this Order in  
11 compliance with all local, State, and federal requirements, including but not limited to  
12 requirements to obtain permits and to assure worker safety.

13 7.5. Endangerment during Implementation: In the event that the Department  
14 determines that any circumstances or activity (whether or not pursued in compliance  
15 with this Order) are creating an imminent or substantial endangerment to the health or  
16 welfare of people on the site or in the surrounding area or to the environment, the  
17 Department may order Respondent to stop further implementation for such period of  
18 time as needed to abate the endangerment. Any deadline in this Order directly affected  
19 by a Stop Work Order under this section shall be extended for the term of such Stop  
20 Work Order.  
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22

23 7.6. Liability: Nothing in this Order shall constitute or be construed as a  
24 satisfaction or release from liability for any conditions or claims arising as a result of  
25 past, current, or future operations of Respondent, except as provided in this Order.  
26 Notwithstanding compliance with the terms of this Order, Respondent may be required  
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1 to take further actions as are necessary to protect public health or welfare or the  
2 environment.

3       **7.7. Site Access:** Access to the Site shall be provided at all reasonable times to  
4 employees, contractors, and consultants of the Department, and any agency having  
5 jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or  
6 inspection that any agency may otherwise have by operation of any law. The  
7 Department and its authorized representatives may enter and move freely about all  
8 property at the Site at all reasonable times for purposes including but not limited to:  
9 inspecting records, operating logs, and contracts relating to the Site; reviewing the  
10 progress of Respondent in carrying out the terms of this Order; and conducting such  
11 tests as the Department may deem necessary. Respondent shall permit such persons  
12 to inspect and copy all records, documents, and other writings, including all sampling  
13 and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

14       **7.8. Sampling, Data, and Document Availability:** Respondent shall permit the  
15 Department and its authorized representatives to inspect and copy all sampling, testing,  
16 monitoring, and other data generated by Respondent or on Respondent's behalf in any  
17 way pertaining to work undertaken pursuant to this Order. Respondent shall allow the  
18 Department and its authorized representatives to take duplicates of any samples  
19 collected by Respondent pursuant to this Order. Respondent shall maintain a central  
20 depository of the data, reports, and other documents prepared pursuant to this Order.  
21 All such data, reports, and other documents shall be preserved by Respondent for a  
22 minimum of six years after the conclusion of all activities under this Order. If the  
23 Department requests that some or all of these documents be preserved for a longer  
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1 period of time, Respondent shall either comply with that request, deliver the documents  
2 to the Department, or permit the Department to copy the documents prior to destruction.  
3 Respondent shall notify the Department in writing at least six months prior to destroying  
4 any documents prepared pursuant to this Order.  
5

6 7.9. Government Liabilities: The State of California shall not be liable for injuries  
7 or damages to persons or property resulting from acts or omissions by Respondent or  
8 related parties specified in paragraph 9.3 in carrying out activities  
9 pursuant to this Order, nor shall the State of California be held as a party to any contract  
10 entered into by Respondent or its agents in carrying out activities pursuant to this Order.  
11

12 7.10. Incorporation of Plans and Reports: All plans, schedules, and reports that  
13 require Department approval and are submitted by Respondent pursuant to this Order  
14 are incorporated in this Order upon approval by the Department.  
15

16 7.11. Extension Requests: If Respondent is unable to perform any activity or  
17 submit any document within the time required under this Order, the Respondent may,  
18 prior to expiration of the time, request an extension of time in writing. The extension  
19 request shall include a justification for the delay.  
20

21 7.12. Extension Approvals: If the Department determines that good cause exists  
22 for an extension, it will grant the request and specify in writing a new compliance  
23 schedule.  
24

#### 25 PAYMENTS

26 8. Respondent shall pay the Department a total of \$12,500.00. This penalty  
27 shall be paid in four (4) installments. The first three (3) installments in the amount of  
28 \$3,000.00 each are due and payable as follows: on November 1, 2009, February 1,

1 2010 and May 1, 2010. The last installment of \$3,500.00 is due and payable on August  
2 1, 2009.

3 8.1. Any installment payment that is received by the Department more than 15  
4 days after it is due will be subject to an additional \$250 administrative penalty, such  
5 penalty shall be paid by Respondent no later than the due date of the next installment  
6 payment. If Respondent is late in making two (2) or more payments, or fails to make a  
7 full installment payment within thirty (30) days of its Liberty Mfg, Inc. Page 8 of 9  
8 Consent Order due date, then the Department, at its option, may declare the entire  
9 balance of the outstanding penalty due and owing. If Respondent fails to make any  
10 payment timely as provided above, Respondent agrees to pay interest thereon at the  
11 rate established pursuant to Health and Safety Code section 25360.1. Respondent  
12 further agrees to pay all costs and attorneys' fees incurred by the Department in  
13 pursuing the collection of any delinquent payments.  
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17 8.2. Respondent's check(s) shall be made payable to Department of Toxic  
18 Substances Control, shall identify the Respondent and Docket Number, as shown in the  
19 caption of this case, and shall be delivered to:

20 Department of Toxic Substances Control  
21 Accounting Office  
22 1001 I Street, 21st floor  
23 P. O. Box 806  
24 Sacramento, California 95812-0806  
25

26 A photocopy of the check(s) shall be sent to:  
27  
28

1 Robert Kou, Acting Performance Manager  
2 Enforcement and Emergency Response Program  
3 Department of Toxic Substances Control  
4 9211 Oakdale Avenue  
5 Chatsworth, California 91311  
6 and

7  
8 Debra Swartz, Esq. Counsel  
9 Office of Legal Affairs  
10 Department of Toxic Substances Control  
11 9211 Oakdale Avenue  
12 Chatsworth, California 91311  
13

14 8.2. If Respondent fails to make payment as provided above, Respondent  
15 agrees to pay interest at the rate established pursuant to Health and Safety Code,  
16 section 25360.1, and to pay all costs incurred by the Department in pursuing collection  
17 including attorney's fees.  
18

19 OTHER PROVISIONS

20 9. Additional Enforcement Actions: By agreeing to this Order, the Department  
21 does not waive the right to take further enforcement actions, except to the extent  
22 provided in this Order.  
23

24 9.1. Penalties for Noncompliance: Failure to comply with the terms of this Order  
25 may subject Respondent to civil penalties and/or punitive damages for any costs  
26 incurred by the Department or other government agencies as a result of such failure, as  
27 provided by Health and Safety Code section 25188 and other applicable provisions of  
28 law.



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of 3570 Fruitland Avenue  
Maywood City, CA 90270:

Rulian Chen, an Individual

Gina Chen, an Individual

All Electronics Recycling Services  
3570 Fruitland Avenue  
Maywood City, CA 90270

All Electronics Technology Inc.  
3910 Valley Blvd., Ste H  
Walnut, CA 91789

ID No. CFI 000332721

Respondents.

Docket HWCA 2008 1892

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Rulian Chen, Gina Chen, All Electronics Technology Inc., and All Electronics Recycling Services (together "Respondents").

1.2. Site. Respondents receive, handle, treat and/or store cathode ray tubes (CRTs) and universal waste electronic devices (UWEDs), both hazardous wastes, at the following site: 3570 Fruitland Ave., Maywood City, California 90270 (Site).

1.3. The Respondents do not have a state permit, certificate, registration, or interim status to manage hazardous waste, but have notified the Department of their intent to operate as a CRT material and UWED handler under the requirements provided in California Code of Regulations, title 22, division 4.5, chapter 23 related to

the treatment of CRTs and UWEDs.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

#### DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondents violated California Code of Regulations; title 22, section 66273.82, subsection (a), and section 66273.13, subsection (d)(2)(A), in that on or about September 17, 2008, Respondents submitted an incomplete notification to the Department.

2.2. The Respondents violated California Code of Regulations, title 22, section 66273.33, subsection (d)(2)(B), and section 66273.82, subsection (b), in that on or about September 17, 2008, Respondents failed to submit an annual report to the Department by February 1 of each year.

2.3. The Respondents violated California Code of Regulations, title 22, section 66273.16; section 66273.86, subsection (a); and section 66273.36; in that on or about September 17, 2008, Respondents failed to provide training to ensure that all personnel who handle or have responsibility for managing UWEDs, CRTs and universal waste lamps are thoroughly familiar with proper waste handling and emergency procedures.

2.4. The Respondents violated California Code of Regulations, title 22, section 66273.83, subsection (a)(1), in that on or about September 17, 2008, Respondents

failed to contain any CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the containers.

2.5. The Respondents violated California Code of Regulations, title 22, section 66273.83, subsection (a)(2); and section 66273.33, subsection (d)(1)(B) in that on or about September 17, 2008, Respondents failed to immediately clean up and place in a container any CRT material and Universal Waste Electronic Devices that is broken or shows evidence of breakage, leakage or damage and may be expected to cause a release of hazardous constituents to the environment.

#### SCHEDULE FOR COMPLIANCE

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

3.1.1. Within 30 days of the effective date of this Order, Respondents shall submit to the Department a complete Notification.

3.1.2. Within 30 days of the effective date of this Order, Respondents shall submit an annual report to the Department for CRT material and universal waste handling.

3.1.3. Within 30 days of the effective date of this Order, Respondents shall provide training to all personnel who manage universal wastes and CRT materials from offsite sources for proper universal waste and CRT material management and emergency response procedures.

3.1.4. Effective immediately, Respondents shall contain all CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and

compatible with the contents of the containers.

3.1.5. Effective immediately, Respondents shall clean up and place in a container any CRT material and universal waste that is broken or shows evidence of breakage, leakage or damage and may be expected to cause a release of hazardous constituents to the environment.

3.2. Compliance with Applicable Laws: Respondents shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.3. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.4. 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 Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.5. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having

jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondents in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondents shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.6. Data and Document Availability. Respondents shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondents or on Respondents' behalf in any way pertaining to work undertaken pursuant to this Order. Respondents shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Order. Respondents shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondents for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondents shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondents shall notify the Department in writing at least six months prior

to destroying any documents prepared pursuant to this Order.

3.7. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to the Order.

3.8. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondents pursuant to this Order are incorporated in this Order upon approval by the Department.

3.9. Extension Request: If Respondents are unable to perform any activity or submit any document within the time required under this Order, the Respondents may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.10. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

#### OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, 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 Respondents, and their 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. Time Periods: "Days" for purposes of this Order means calendar days.

#### PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' penalty at \$20,500.00. Payment is due within 30 days from the effective date of the Order. Respondents' check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondents and Docket Number, as shown in the heading of this case. Respondents shall deliver the penalty payment 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, Unit Chief  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
9211 Oakdale Avenue,  
Chatsworth, CA 91311

#### RIGHT TO A HEARING

6. Respondents may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondents.

EFFECTIVE DATE

7. This Order is final and effective thirty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondents, unless Respondents request a hearing within the thirty-day period.

Date of Issuance July 28 2009



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Robert Kou, Unit Chief  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control