

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Arrow Recycling Solutions, Inc.  
12410 Wilkie Avenue  
Hawthorne, California 90250

ID No. CAR000050161

Respondent.

Docket HWCA 2011-4131

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Arrow Recycling Solutions, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste at the following site: 12410 Wilkie Avenue, Hawthorne, California 90250 (Site).

1.3. Inspection. The Department inspected the Site on October 18, 2011.

1.4. Authorization Status. The Department has authorized the Respondent to transport hazardous waste by Hazardous Waste Transporter Registration No. 4335, which expired on December 31, 2010. Respondent renewed its transporter registration as of October 31, 2012.

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.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code section 25163 (a), in that on or about October 18, 2011, the Respondent operated as a hazardous waste transporter without valid registration, to wit: the hazardous waste transporter registration for Respondent (Registration Number 4335) expired on December 31, 2010.

2.1.2. Respondent violated Health and Safety Code, sections 25201 and 25143.9, in that on or about October 18, 2011, Respondent stored hazardous wastes at the Site without authorization, to wit: five open and/or broken gaylords (boxes) containing 18% nickel slag (plasma spray) were stored next to the maintenance yard.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66265.31, in that on or about October 18, 2011, the Respondent failed to minimize the possibility of release of hazardous waste to the environment, to wit, boxes containing nickel dust were opened and/or broken, which caused the hazardous constituents to be subject to wind dispersal and/or rain water run-off.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. 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 \$22,000 as a penalty.

5.2. Payment of \$22,000 specified in paragraph 5.1 is due in two installments.

Respondent shall pay the Department a first installment of \$11,000.00 on or before April 15, 2012. Respondent shall pay the second and final installment of \$11,000.00 on or before September 15, 2012.

5.3. 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:

Mukul Agarwal  
Supervising Hazardous Substances Scientist  
Enforcement & Emergency Response Program  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

and

Debra Schwartz  
Senior Staff Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

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: March 20, 2012

Original signed by Coleen Brooks  
Coleen Brooks, Environmental Manager  
Arrow Recycling Solutions, Inc.  
Respondent

Dated: April 5, 2012

Original signed by Mukul Agarwal  
Mukul Agarwal, Supervisor HSS I  
Enforcement and Emergency Response  
Department of Toxic Substances Control