



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
9211 Oakdale Avenue
Chatsworth, California 91311-6505



Edmund G. Brown Jr.
Governor

SUMMARY OF VIOLATIONS

On March 26, 2013, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an investigation at:

Facility Name: Bruno's Iron & Metal, LP

Facility Address: 3211 Golden State Blvd.
Fresno, CA 93725

EPA ID Number: CAR000054486 **County:** Fresno

As a result of this investigation, violations of hazardous waste laws, regulations, and requirements listed on the attached pages were discovered. All violations must be corrected; the actions you must take to correct the violations are listed with each violation. If you disagree with any of the violations or proposed corrective actions listed in this Summary of Violations, you should inform DTSC. Additional violations may be found after the site visit, and these will be identified in the Violation section of the inspection report.

You may request a meeting with DTSC to discuss the inspection, inspection report, or the Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the Summary of Violations or violations that have not been corrected within the time provided. A false statement that compliance has been achieved is a violation of the law and punishable by a fine of not less than \$2,000 or more than \$25,000 for each occurrence. DTSC may re-inspect this facility at any time.

Company Representative Accepting Summary

Name: Randy Josi

Signature: [Handwritten Signature]

Title: Owner

Date: 3/27/13

DTSC Representative

Name: Richard L. Jones

Signature: [Handwritten Signature]

Title: Senior Hazardous Substances
Scientist

Date: 3/27/2013

Pending Soil Analysis

Department of Toxic Substances Control

9211 Oakdale Avenue
Chatsworth, California 91311

SUMMARY OF VIOLATIONS

Facility Name: Bruno's Iron & Metal LP, 3211 Golden State Blvd, Fresno **Date:** March 26, 2013

SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION (Violations not considered Minor Violations)

You must correct the following violation(s) within the specified time frame for each violation.

1. **Bruno's Iron & Metal, LP (BIM) violated California Health and Safety Code (HSC), section 25201(a), 25211.2 and 25211.4, in that on and/or before March 26, 2013, it received major appliances without being a certified appliance recycler (CAR) and/or received appliances from persons who were not CAR's.**

Mercury-containing components in major appliances are classified as California listed hazardous waste with waste code M001 and M002 (see Cal. Code Regs., title, section 66261.50). Major appliances, vehicles, and products from which mercury-containing components have not been removed are also classified as California listed hazardous waste. There is no minimum threshold or concentration limit for the mercury contained in these items. Because BIM handled the appliances in such a way that the subsequent removal of these items would be difficult or impossible, the appliances shipped from its facility are also California listed hazardous wastes M001 and M002.

Schedule for Compliance for Violation 1:

BIM shall immediately cease receiving major appliances from persons who are not CAR's or until it applies to the Department and receives written certification. Upon certification as a CAR, BIM shall immediately begin removing and managing the materials requiring special handling (MRSH) as hazardous waste or universal waste prior to processing the major appliances by crushing, baling, shredding, sawing or shearing.

2. **BIM violated HSC section 25201(a) and California Code of Regulations (Cal. Code Regs.), title 22, sections 66262.34(a)(1)(A) and 66261.50 in that BIM accepted, stored, treated and/or disposed of hazardous waste at a facility, area, or point, without a hazardous waste facilities permit or other grant of authorization from the Department, to wit:**

A. On and/or before March 26, 2013, BIM stored hazardous waste trommel fines in piles

on the ground in the northwest and southeast portions of its facility. In addition, facility representatives stated that these trommel fines as well as the dirt and debris from both of its shears have over the many years of operation been used to backfill portions of its site and have otherwise been moved around and spread around various areas of the site.

- B. BIM crushed and baled major appliances from which the MRSH had not been removed.
- C. A large pile of large compressors from industrial sized air conditioning units was observed in a scrap metal pile in the southeast portion of the site, many of which had not been drained of used oil, a hazardous waste. In addition, BIM received and stored various types of e-waste (personal computers and circuit boards), ballasts and compressed gas cylinders.

Schedule for Compliance for Violation 2:

BIM shall immediately cease storing hazardous waste in piles on the ground and shall immediately cease moving and spreading any potentially contaminated dirt and debris from its scrap metal handling and shearing operations onto any areas of its site. BIM shall also cease accepting and storing any e-waste, compressed cylinders or any other hazardous waste.

Within 45 days of receiving this Summary of Violations (SOV), BIM shall submit a work plan to the Department for review and approval that describes the actions BIM proposes to take to characterize, containerize, remove, and/or further process the trommel fines, the dirt and debris from its shear operations and other potentially impacted soils throughout the facility. This work plan shall ensure that any containerization, removal, or processing does not create any visible or excessive emissions of dust, dirt, or particulates that could be detrimental to human health and/or the environment. The work plan shall include an air monitoring and sampling plan that shall comply with all San Joaquin Valley Air Pollution Control District (SJCAPCD) rules and regulations. Data from the sampling of these waste piles and other areas of the site by the Department shall be used to develop and evaluate these plans. This work plan shall also include a proposed time schedule for the removal of any scrap metal content from the piles and the subsequent management and disposal of the remaining dirt/debris/hazardous waste. The work plan shall also include any contingency plans that may be necessary to manage the effects of wind and/or precipitation events that could lead to further dispersal of contaminants, e.g., covering with plastic or using a liquid sealant.

The plan shall also propose practices to be implemented to prevent the accumulation of any hazardous waste in uncontained piles and to containerize and manage all hazardous waste that BIM anticipates it will generate in the future.

Upon approval of the proposed work plan by the Department, BIM shall begin processing and containerizing and/or disposing of the accumulated hazardous waste piles on the

ground, according to the approved protocols and schedule in the approved plan.

- 3. BIM violated Cal. Code Regs., title 22, sections 66262.10(h), 66262.34(a)(4), and 66265.31, in that on and/or before March 26, 2013, BIM failed to minimize the release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment, to wit: the following items were observed in or on the surface of the soil in various unpaved portions of the facility: trommel fines, dirt and debris from the shear operations, soil contaminated with used oils, e-waste, capacitors, ballasts, circuit boards, and liquids running onto the soil near the plastic baling area.**

Schedule for Compliance for Violation 3:

BIM shall immediately take actions to minimize the release of hazardous waste or hazardous waste constituents to air, soil or surface waters including containerizing any of the of the items identified above or any other item that is observed on the ground.

- 4. BIM violated Cal. Code Regs., title 22, sections 66260.200 and 66262.11 in that on and/or before March 26, 2013, BIM failed to determine if the trommel fines and dirt, debris and scrap residues from its shear operations were hazardous wastes.**

Schedule for Compliance for Violation 4:

BIM shall make a determination in accordance with the regulations, that any waste it generates is properly characterized as hazardous or non-hazardous.