

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Central Metal, Inc.
8201 Santa Fe Avenue
Huntington Park, California 90255

EPA ID NO. CAL000286492

Respondent.

Docket HWCA 2011-3488

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 Central Metal, Inc., (Respondent).

1.2. Site. Respondent generated, handled, treated, and stored hazardous waste at the following site: 8201 Santa Fe Avenue, Huntington Park, California 90255 (Site).

1.3. Inspection. The Department inspected the Site on March 2, 2011.

1.4. Authorization Status. Respondent is a generator of hazardous waste.

1.5. 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

2.1. The Department has determined that:

2.1.1. Respondent violated California Health and Safety Code, section 25201(a) in that on or before March 2, 2011, Respondent generated two (2) piles of contaminated soil, totaling approximately 300 tons, consisting of finely divided heavy metal wastes and e-waste debris generated through their metal recycling operations. Respondent continued to mine metal from the piles of contaminated soils until March 2, 2011, and as a result, Respondent stored hazardous wastes onsite for a total of 13 days.

2.1.2 Respondent violated California Code of Regulations, title 22, sections 66265.31 and 66262.10(h) in that on or about March 2, 2011, Respondent failed to maintain the facility to minimize releases of hazardous wastes, to wit: Respondent failed to minimize and properly containerize leaking hazardous wastes from broken battery cases, broken e-wastes, oily wastes and sludge's, and heavy metal dusts inside and outside the facility. A total of two (2) piles of contaminated soils with heavy metals and e-wastes, and one (1) pile of e-waste breakage were stored on a paved surface.

2.1.3 Respondent violated California Code of Regulations, title 22, section 66273.32(c)(1) in that on or about March 2, 2011, Respondent failed to notify the Department prior to accepting Universal Waste Electronic Devices.

2.1.4 Respondent violated California Code of Regulations, title 22, section 66273.32(d)(1) in that on or about March 2, 2011, Respondent failed to submit an annual report to the Department regarding its Universal Waste Electronic Devices activity for the reporting year of 2010 by February 1, 2011.

2.1.5 Respondent violated California Code of Regulations, title 22, section

66273.33(a)(1)(B)(1) in that on or about March 2, 2011, Respondent failed to contain Universal Waste Electronic Devices in a manner that prevents breakage and release of components to the environment.

2.1.6 Respondent violated California Code of Regulations, title 22, section 66273.36(a) through (d) in that on or about March 2, 2011, Respondent failed to provide training to all its personnel who are handling Universal Waste Electronic Devices.

2.1.7 Respondent violated California Code of Regulations, title 22, section 66273.37(a) in that on or about March 2, 2011, Respondent failed to immediately contain all releases of Universal Waste Electronic Devices and residuals from Universal Waste Electronic Devices to the environment at the Site.

2.1.8 Respondent violated California Code of Regulations, title 22, section 66273.39(a) through (d) in that on or about March 2, 2011, Respondent failed to quantify each type of Universal Waste Electronic Devices received and record the quantity of each type of Universal Waste Electronic Devices sent from the Site.

2.1.9 Respondent violated California Health and Safety Code, Chapter 6.5, section 25211(a) in that on or about March 2, 2011, Respondent failed to receive an Appliance Recycler Certification prior to removing materials that require special handling from a major appliance.

2.1.10 Respondent violated California Health and Safety Code, Chapter 6.5, section 25211.3 in that on or about March 2, 2011, Respondent failed to have records required under this section.

SCHEDULE FOR COMPLIANCE

3. The Respondent has corrected and complied with the following requirements:

3.1.1 Respondent is now in compliance with the Department's requirement to remove and properly dispose of the two (2) contaminated soil piles at an authorized facility. Effective immediately, Respondent shall properly store any future generated contaminated soil piles to minimize the release of any dust and shall not store any hazardous waste on-site greater than 90 days without authorization. In addition, Respondent shall dispose of any contaminated soils as hazardous wastes to an authorized facility that is permitted to accept such waste, using a Registered Hazardous Waste Transporter, and a Uniform Hazardous Waste Manifest. Copies of the Manifests, signed by the facility receiving the waste shall be provided to the Department in order to document legal disposal

3.1.2 Effective immediately, Respondent shall containerize all broken battery casings and properly dispose/recycle batteries. Oily debris and sludges are to be removed from the ground. Oily automotive parts are to be segregated or containerized in a manner to prevent accidental release. E-waste piles are to be containerized, covered to prevent rainfall intrusion, and managed to prevent releases. Contaminated soil piles are to be segregated, containerized, and covered to prevent migration of heavy metal dusts. Copies of appropriate bills of lading and/or hazardous waste manifests shall be provided to the Department as proof of legal disposal.

3.1.3 Respondent is now in compliance with the Department's requirement and shall keep on file a copy of the Notification of Intent to Handle e-waste. If the Respondent processes universal wastes including e-wastes in the future, Respondent is required to file with the Department a Notification of Intent to Recycle, pursuant to California Code of Regulations, title 22, section 66273.76.

3.1.4 Respondent is now in compliance with the Department's requirement and shall keep on file a copy of the Annual Reports. Annual Reports are due February 1st of each year for all facilities, including collection events.

3.1.5 Effective immediately, Respondent shall properly store all electronic devices and universal wastes at the facility in closed containers in order to prevent breakage and release of components to the environment.

3.1.6 Effective immediately, Respondent shall ensure that all personnel who manage and handle universal waste from offsite sources are thoroughly trained and familiar with proper universal waste management and emergency response procedures.

3.1.7 #Effective immediately, Respondent shall contain all releases of universal waste and residues from contacting the ground and prevent any rainwater runoff from contacting the waste.#

3.1.8 Effective immediately, Respondent shall record and quantify each type of universal waste received and sent off site to another location.

3.1.9 Effective immediately, Respondent shall apply for Appliance Recycler Certification (CAR) and maintain a copy on file for review.

3.1.10 Effective immediately, Respondent shall record the types of appliances recycled as required under California Health and Safety Code section 25211.2 and 25211.3, and retain these records for a period of three years.

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 Respondent 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 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.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5.1. Based on the foregoing DETERMINATION OF VIOLATIONS and pursuant to California Health and Safety Code section 25189.2, the Department sets the amount of Respondent's penalty at \$49,868.

5.2. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent 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:

To: Roger Kintz, Branch Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

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

RIGHT TO A HEARING

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

EFFECTIVE DATE

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

Date of Issuance: October 8, 2012

Original signed by Roger Kintz

Roger Kintz, Branch Chief
Enforcement and Emergency Response
Program
Department of Toxic Substances Control