

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
STIPULATION AND ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Central Metal, 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 October 8, 2012. (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.
5. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

7. The Respondent has corrected and complied with the following requirements:
 - 7.1.1. 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

7.1.2 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.

7.1.3 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.

7.1.4 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.

7.1.5 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.

7.1.6 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.

7.1.7 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.

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

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

7.1.10 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.

7.2. Submittals: All submittals from Respondent pursuant to this Order shall be sent to:

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

7.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

7.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

- a. Modify the document as deemed necessary and approve the document as modified; or
- b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

7.5. Compliance with Applicable Laws: Respondent 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.

7.6. 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 Respondent to stop further implementation 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 such Stop Work Order.

7.7. 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 further actions as are necessary to protect public health or welfare or the environment.

7.8. 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 may 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 Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent 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.

7.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent 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 Respondent 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, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

7.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 9.3 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 Respondent or its agents in carrying out activities pursuant to this Order.

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

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

7.13. 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.

PAYMENTS

8. Respondent shall pay the Department a total of \$40,000, of which \$20,000 is a penalty and \$20,000 is reimbursement of the Department's costs as follows: Within 30 days of the effective date of this Order, Respondent shall submit its first payment to DTSC in the amount of \$10,000; on or before March 1, 2013, Respondent shall submit its second payment in the amount of \$10,000 to DTSC; on or before May 1, 2013, Respondent shall submit its third payment to DTSC in the amount of \$10,000; and, on or before July 1, 2013, Respondent shall submit its fourth and final payment to DTSC. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street
P. O. Box 806

Sacramento, California 95812-0806

A photocopy of the check shall be sent:

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

To: Debra Schwartz, Senior Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91314--

10.2. On March 27-29, 2012, one employee of the Respondent attended the California Compliance School and said employee completed the required Modules I-IV. Respondent guarantees to DTSC that its employee who attended the California Compliance School is an employee who is directly involved in the management of hazardous waste and who works on a regular basis in the active portion of the Facility. Attendance was successfully completed by Respondent's employee and a Certificate of Satisfactory Completion issued on July 26, 2012 by the California Compliance School. The certification was submitted to the Department of Toxic Substances Control on November 21, 2012. In recognition of this educational investment, the total amount imposed by this Order has been reduced by \$1,000.00, from \$41,000 to \$40,000.

10.3 If Respondent fails to make any 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.

OTHER PROVISIONS

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

9.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil 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.

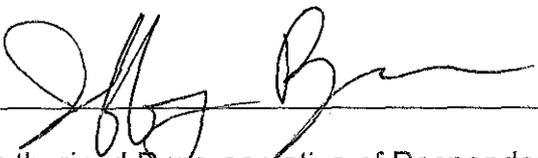
9.3 Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

9.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

9.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

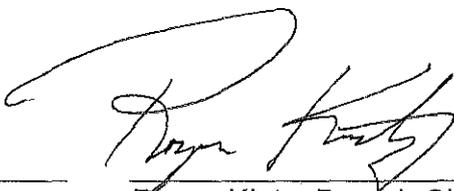
9.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: 12/19/12



Authorized Representative of Respondent

Dated: 12/27/12



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

EXHIBIT 1

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