

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

E-World Recyclers, LLC
1390 Engineer Street
Vista, CA 92081

ID No. CAL000311753

Respondent

Docket HWCA 2014-6369

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and E-World Recyclers, LLC (Respondent) enter into this Consent Order and agree as follows:

1.2. Site. Respondent handles and recycles Universal Waste Electronic Devices (UWEDs), Cathode Ray Tubes (CRTs), CRTs devices and CRT glass at the following site: 1390 Engineer Street, Vista, California 92081.

1.3. Inspection. The Department conducted an e-waste inspection on October 25, 2012 at the following address: 2480 Ash Street, Vista, California 92081 (Site).

1.4. Authorization Status. Respondent is authorized to recycle UWEDs, CRTs devices and CRT glass at the Site.

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 California Health and Safety Code section 25201(a) in that on or about October 25, 2012, Respondent accepted and stored hazardous waste without permit from the Department. Respondent accepted and stored three (3) 30 gallon plastic drums containing Beryllium Oxide tubes and capacitors. Beryllium Oxide tubes and capacitors do not qualify as Universal Waste and must be managed as a hazardous waste.

2.1.2. Respondent violated California Health and Safety Code section 25163(a) in that on or about October 25, 2012, Respondent transported hazardous waste (Beryllium Oxide tubes and capacitors) without have a valid registration

issued by the Department

2.1.3. Respondent violated Health and Safety Code section 25160(d) and California Code of Regulations, title 22, section 66262.20(d) in that on or about June 6, 2012 Respondent transported hazardous waste, without a Uniform Hazardous Waste Manifest.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66273.33.5(b)(1)(B)(1), in that on or about October 25, 2012; Respondent failed to contain CRTs and CRT devices in a proper containers that were structurally sound and adequate to prevent breakage.

2.1.5. Respondent violated California Code of Regulations title 22 section(s) 66273.34(e) and/or 66273.34(g) in that on or about October 25, 2012 Respondent failed to label or mark CRTs containers with the phrase "Universal Waste-CRT Devices/CRTs" and/or demarcate a designated universal waste accumulation area with a label stating "Universal Waste CRTs/CRT devices".

2.1.6. Respondent violated California Code of Regulations title 22 section 66273.72 (a)(4)(c) in that on or about October 25, 2012, Respondent failed to immediately clean up spilled residual printed circuit boards.

2.1.7. Respondent violated California Code of Regulations title 22 sections 66273.71(f)(1)(B) in that on or about October 25, 2012, Respondent failed to label residual printed circuit boards containers properly.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has adequately corrected the violations set forth above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

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.

4.4. 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. Within 30 days of the effective date of this Order, Respondent shall pay the Department the total penalty in the amount of \$ 16,000.00 dollars. Of the total penalty due, 14,000.00 dollars is monetary fine and \$2,000.00 dollars shall be a credit for attending and completing California Compliance School.

PAYMENTS:

5.2. Respondent shall pay the Department a total sum of \$ 14,000.00 dollars as follows: Respondent shall submit seven (7) monthly equal payments of \$2,000.00 dollars. The first payment is due within 30 calendar days of the effective date of this Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket Number (HWCA 2014-6369) on the check 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:

Alfredo Ríos
Sr. Environmental Scientist (Sup)
Enforcement and Emergency Response Division
Department of Toxic Substances Control
2375 Northside Drive Suite 100
San Diego, CA 92108.

5.3. 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.

5.4. Respondent hereby agrees to send two employees to a specified California Compliance School (Modules I-IV) of the Hazardous Waste Generator Course. Attendance must be completed and the Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 180 days of the date of this Order. In recognition of this educational investment, Respondent has received a credit of \$2,000.00, if the employee(s) satisfactorily completes the specified modules. If Respondent fails to submit the certificate as required, the penalty is due and payable within 30 days after the 180-day period expires.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 3-5-2014

Original signed by Robert A. Erie

Robert A. Erie
Chief Executive Officer
E-World Recyclers, LLC

Dated: 3-10-2014

Original signed by Alfredo Rios

Alfredo Rios, Unit Chief
Sr. Environmental Scientist (Sup)
Department of Toxic Substances Control