

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Michael Kasimoff
Owner, Electronic Recycling

1099 Linda Vista Avenue
Porterville, California 93257

and

1853 North Westwood Street
Porterville, California 93257

ID No.

Respondent

Docket No. HWCA 20125049

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department or DTSC) and Michael Kasimoff, Owner of Electronic Recycling (Respondent) enter into this Consent Order and agree as follows:

1. Respondent handled and stored, universal waste and hazardous waste at 1099 Linda Vista Avenue, Porterville, California 93257, and handled and stored universal waste at 1853 North Westwood Street, Porterville, California 93257 (Sites).
2. The Department inspected the Sites on September 4, 2012 and November 14, 2013.

3. Authorization Status. Respondent notified DTSC on December 9, 2012 (1099 Linda Vista Site) and March 27, 2008 (North Westwood Site) as a collector/handler of electronic waste.

4. The Department alleges the following violations:

4.1. On or about September 4, 2012, Respondent violated Health and Safety Code section 25250.5(a), and California Code of Regulations, title 22, section 66265.31 by causing the disposal of used oil by deposit to the land at the Linda Vista Site in violation of statute, and failed to operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste constituents to the soil. Approximately five gallons of used oil were observed spilled to the ground (dirt), with no attempt made to clean it up.

4.2. On or about September 4, 2012, Respondent violated California Code of Regulations, title 22, section 66273.37(a) by failing to immediately contain all releases of universal waste (UW) and residuals of UW to the environment. At the Linda Vista Site, dozens of UW batteries, printed circuit boards, and partially empty ink cartridges were released to the ground (dirt). At the Westwood Site, hundreds of UW lamps, UW batteries, printed circuit boards, and partially empty ink cartridges were released to the ground (dirt).

On or about November 14, 2013, Respondent violated California Code of Regulations, title 22, section 66273.37(a) by failing to immediately contain all releases of universal waste (UW) and residuals of UW to the environment. At the Westwood site, dozens of UW lamps were released to the ground (dirt).

4.3. On or about September 4, 2012, Respondent violated California Code

of Regulations, section 66273.36 by failing to ensure that all personnel who manage UW from offsite sources are thoroughly familiar with proper UW management and emergency response procedures, relative to those persons' responsibilities. There was little evidence that personnel received formal or informal training at either Site on how to label, palletize, and accumulate e-waste to prevent release to the environment. There were no records of personnel training whatsoever for handling activities taking place at either Site.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations. This Order resolves all listed violations from the inspections conducted on September 4, 2012 and November 14, 2013 of the subject facility/operator.

SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1. Respondent shall make all payments at the time and in accord with any other conditions set forth in Section 10 (Payments) below.

9.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Rita Hypnarowski
Senior Environmental Scientist (Specialist)

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

9.3. Liability: Nothing in this Consent 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 Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.4. 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 Consent 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 Consent 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 Consent Order.

9.5. 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 11.3, in carrying out activities

pursuant to this Consent 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 Consent Order.

PENALTY

10. Respondent shall pay the Department a total of \$16,500 in penalties over a 24-month period, with the first monthly payment of \$687.50 due within 30 days of the date this Consent Order is signed. Respondent's check shall be made payable to Department of Toxic Substances Control, identify the Respondent and Docket Number, as shown in the caption of this document, 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 shall be sent to:

Rita Hypnarowski
Senior Environmental Scientist (Specialist)
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

and

Jay Cross, Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

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.

OTHER PROVISIONS

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

11.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent 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.

11.3. Parties Bound: This Consent 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 Consent Order.

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

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

11.6. 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.

11.7. This order may be signed in counterparts.

Dated: February 12th 2015 Original signed by Michael Kasimoff

Respondent
Michael Kasimoff on behalf of Electronic
Recycling
Owner, Electronic Recycling

Dated: January 22, 2015 Original signed by Rita Hypnarowski

Rita Hypnarowski
Senior Environmental Scientist (Specialist)
Department of Toxic Substances Control