

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

eWaste Center, Inc.
5788 Smithway Street
Commerce, California 90040

CAR 000 169 094

Respondent.

Docket HWCA **2010 2528**

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and eWaste Center, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 5788 Smithway Street, Commerce, California 90040.

1.3. Inspection. The Department inspected the Site on March 30, 2010.

1.4. Authorization Status. Notified the Department to handle and treat cathode ray tubes (CRT's) and universal waste electronic devices (UWED's).

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:

2.2 The Respondent violated California Code of Regulations, title 22, section 66273.72, subsection (c)(1)(B), in that on or about March 30, 2010, Respondent failed to remove yoke without breaking the CRT glass.

2.3 The Respondent violated California Code of Regulations, title 22, section 66273.34, subsection (d) in that or about March 30, 2010, Respondent failed to label or mark each container or pallet.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

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.

4.8. 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. Respondent shall pay the Department the total sum of 18,000.00, of which is a total penalty.

5.2. Respondent shall pay to the Department a total of \$18,000.00 as a penalty. The penalty payments specified in paragraph 5.1 shall be paid in four equal installments. The first installment of \$4,500.00 is due on November 1, 2010, a second installment payment of \$4,500.00 is due on March 1, 2011, a third installment payment

of \$4,500.00 is due on June 1, 201, and a fourth installment payment of \$4,500.00 is due on September 1, 2011. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If the Respondent is late in making payments, or fails to make a full installment payment within (30) days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalty due and owing. If Respondent fails to make any payment timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to Health and Safety Code section 25360.1. Respondent further agrees to pay all cost and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent hereunder. Respondent's checks shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher (see Exhibit 1).

5.3. Payment of the total sum specified in paragraph 5.2 is due within 30 days from the effective date of this Order.

5.5. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, 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:

Mr. Robert Kou, Performance Manager
Enforcement and Emergency Response
9211 Oakdale Avenue
Chatsworth, California 91311

and

James J. Grace, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

5.4. 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.

6. EFFECTIVE DATE

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

Dated: September 27, 2010

Original signed by Dana Jung, VP
Signature of Respondent's Representative

Dana Jung, VP Ewaste Center, Inc.

Typed or Print Name and Title
of Respondent's Representative

Dated: September 28, 2010

Original signed by Roberto Kou
Robert Kou, Performance Manager
Enforcement and Emergency Response
Department of Toxic Substances Control