

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 **2008 1698**

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 April 23, 2008.

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 66273.83, subsection (c)(1), and section 66273.83, subsection (d)(1)(A)(1) in that on or about April 23, 2008, Respondent failed to remove yoke without breaking the CRT glass and failed to notify the Department

2.3 The Respondent violated California Code of Regulations, title 22, section 66273.83, subsection (c)(13) in that on or about April 23, 2008, Respondent failed to ensure that all material generated as a result of the treatment processes are classified and managed properly.

2.3 The Respondent violated California Code of Regulations, title 22, section 66273.35, in that on or about April 23, 2008, Respondent accumulated universal waste lamps for longer than year from generation.

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 16,000.00, of which \$8,000.00 is a penalty and \$ 8,000.00 is a credit for participating in the Supplemental Environmental Program (see Exhibit 1).

5.2 Respondent shall pay to the Department a total of \$8,000.00 as a penalty. The penalty payments specified in paragraph 5.1 shall be paid in three equal installments. The first installment of \$2,667.00 is due on June 1, 2009, a second installment payment of \$2,667.00 is due on October 1, 2009, and the third installment payment of \$2,666.00 is due on February 1, 2010. 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 2).

5.3. Up to \$8,000.00 of the penalty amount is available as a credit against the penalty in the form of a supplemental environmental project (SEP) described in Exhibit 1 to this Order. The SEP shall be completed within one year of the effective date of this Order. If the Department approved documented costs for the SEP exceeded the \$8,000.00, the excess amount shall not be considered as an additional credit to the total penalty amount. If the documented costs for the SEP do not total \$8,000.00, the Respondent shall pay the shortfall to the Department by check as part of the total penalty. Such difference shall be paid by Respondent to the Department within 30 days from Department's notice of the applicable amount to Respondent. For waste for which the Department authorizes SEP credits, the Respondent shall not receive reimbursement from the California Integrated Waste Management Board (CIWMB) pursuant to the SB 20/SB 50.

5.4. 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: 5/11/2009



Signature of Respondent's Representative

Dana Jung VP

Typed or Print Name and Title
of Respondent's Representative

Dated: JUNE 8, 2009



Robert Kou, Performance Manager
Enforcement and Emergency Response
Department of Toxic Substances Control