

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Filter Recycling Services, Inc.  
180 W. Monte Avenue  
Rialto, California 92316

And

Jon L. Bennett, Jr., President  
Filter Recycling Services, Inc.

EPA ID No. CAD 982444481

Respondents.

Docket HWCA 2009-1956

STIPULATION AND ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Filter Recycling Services, Inc. and Jon Bennett, Jr., President of Filter Recycling Services, Inc. (collectively, Respondents) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued by the Department on December 28, 2010 (attached as Exhibit 1).
2. The parties wish to avoid the expense of further litigation.
3. Jurisdiction exists pursuant to Health and Safety Code section 25187.
4. Respondents waive any right to a hearing in this matter.
5. This Order shall constitute full settlement of the allegations in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other alleged violations.

6. Respondents acknowledge that the Department can offer a prima facie case to establish the charged violations enumerated in the Enforcement Order issued by the Department on December 28, 2010 (attached as Exhibit 1), but do not admit any of the charged violations.

6.1 Neither party admits the merit or lack of merit of any of the allegations in this or any other action, nor of defenses thereto.

### COMPLIANCE

7. Respondents shall:

7.1.1. Refrain from conducting truck to truck transfer (aka tank trailer to tank trailer transfer) of any and all hazardous wastes unless and until such activity is specifically authorized by the Department.

7.1.2. Refrain from storage of hazardous waste in unpermitted areas of the Site, unless and until such activity is specifically authorized by the Department.

7.1.3. Submit copies of the hazardous waste manifests listed in Attachment 16 to the Report of Investigation dated January 15, 2009, and described as "N" for No and "missing" in columns N or O, or submit a declaration under penalty of perjury that Respondents made best efforts to locate the manifests. These submissions shall be made within 90 days and sent to:

Robert Kou  
Branch Chief, Enforcement and Emergency Response Division  
Department of Toxic Substances Control  
9211 Oakdale Ave.  
Chatsworth, CA 91311

7.2. Communications: All approvals and decisions of the Department made regarding any submittals and notifications shall be communicated to Respondents

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 Respondents shall be construed to relieve Respondents of their obligation to obtain such formal approvals as may be required.

7.3. Compliance with Applicable Laws: Respondents 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.

7.4. 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 Respondents, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

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

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.

7.6. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents 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 Respondents or their agents in carrying out activities pursuant to this Order.

#### PAYMENTS

8. Respondents shall pay the Department a total of \$75,000 as a settlement under the authority of Health & Safety Code section 25187(a)(1), in three (3) equal consecutive monthly installments, the first of which shall be paid within thirty (30) days of the effective date of this Order. Respondents' check(s) 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: Robert Kou  
Branch Chief, Enforcement and Emergency Response Division  
Department of Toxic Substances Control  
9211 Oakdale Ave.  
Chatsworth, CA 91311

To: Debra Schwartz, Esq.  
Office of Legal Affairs  
Department of Toxic Substances Control  
9211 Oakdale Ave.  
Chatsworth, CA 91311

If Respondents fail to make payment as provided above, Respondents agree 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.

If Respondents fail to make payment(s) as provided above within fifteen (15) days of the date a payment is due, Respondents shall pay a \$500.00 penalty due at the time of the next payment.

#### 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 Respondents 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.

Dated: 10/21/14

Original signed by Jon L. Bennett, Jr.

~~Respondent~~ Filter Recycling Services, Inc.

Dated: 10/21/14

Original signed by Jon L. Bennett, Jr.

~~Respondent~~ Jon L. Bennett, Jr.

Dated: 10/21/14

Original signed by Robert Kou

Robert Kou  
Branch Chief, Enforcement and Emergency  
Response  
Department of Toxic Substances Control