

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Growan Inc.  
9835 Max Shapiro Way  
South El Monte, California 91733  
CAR 000 207 670

Respondent.

Docket HWCA 20147170

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

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

~~1.2. Site. Respondent handles and stores hazardous waste at the following site:~~  
9835 Max Shapiro, South El Monte, California 91733 (Site).

1.3. Inspection. The Department inspected the Site on August 19, 2014 and September 2, 2014.

1.4. Authorization Status. Respondent is authorized to handle and store Cathode Ray Tube devices (CRTs) and Universal Waste Electronic Devices (UWEDs).

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. Respondent violated California Code of Regulations, title 22, section 66273.33.5(a)(1)(B)1 in that Respondent failed to contain any electronic device in a manner that prevents breakage and release of components to the environment.

2.3. Respondent violated California Code of Regulations, title 22, section 6673.33.5(a)(1)(B)2 in that Respondent failed to immediately clean up and place in structurally sound container any electronic device(ED) that is accidentally or unintentionally broken and may be expected to cause a release of hazardous constituents to the environment under reasonably foreseeable conditions.

2.4. Respondent violated California Code of Regulations, title 22, section 66273.38(a) in that Respondent sent or took universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein. Violations cited have been corrected, and Respondent is now in compliance.

3.1. 2. Respondent shall make all payments at the time(s) listed 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. Respondent shall pay the Department a total penalty of \$11,000.

5.2. Payment of \$1,833.33 specified in paragraph 5.1 shall be paid every month with five (6) installments of \$1, 833.33. The first installment in the amount of \$1,833.33 is due and payable on June 1, 2016. The second installment in the amount of \$1,833.33 is due and payable on July 1, 2016. The third installment in the amount of \$1,833.33 is due and payable on August 1, 2016. The fourth installment in the amount of \$1,833.33 is due September 1, 2016. The fifth installment in the amount of \$1,833.33 is due and payable on October 1, 2016. The sixth installment in the amount of \$1,833.33 is due and payable on November 1, 2016.

5.3. 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:

Christie Bautista, Unit Chief  
Enforcement & Emergency Response Division  
Department of Toxic Substances Control  
9211 Oakdale Ave.  
Chatsworth, CA 91311

5.4. If Respondent fails to make payments 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: 6/7/16

Original signed by Yuan David Sun

\_\_\_\_\_  
Respondent

Dated: 6/13/16

Original signed

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Christie Bautista, Unit Chief  
Enforcement & Emergency Response Division  
Department of Toxic Substances Control