

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

West Coast Recycling, LLC  
dba Mission Recycling  
1326 E. 9<sup>th</sup> Street  
Pomona, California 91766

Respondent.

Docket HWCA 20103328

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and West Coast Recycling, LLC, dba Mission Recycling (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: 1326 E. 9<sup>th</sup> Street, Pomona, California (Site).

1.3. Inspection. The Department inspected the Site on May 5, 2011 and May 18, 2011.

1.4. Authorization Status. Respondent handles universal wastes and is authorized to collect, treat, and recycle Universal Waste -Electronic Devices (EDs), cathode ray tubes (CRTs), and CRT glass.

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:

2.1.1. The Respondent violated California Code of Regulations, title 22, section 66273.72, subsection (c)(1)(B), in that on or about May 5, 2011, Respondent failed to remove the yoke without breaking the CRT glass.

2.1.2. The Respondent violated California Code of Regulations, title 22, section 66273.35, subsection (a), in that on or about May 5, 2011, Respondent stored and accumulated CRT glass over one year.

2.1.3. The Respondent violated California Code of Regulations, title 22, section 66273.33.5, subsection (b) (1) (B)(1), in that on or about May 5, 2011, Respondent failed to contain CRT in a proper container that was structurally sound and adequate to prevent breakage.

2.1.4. The Respondent violated California Code of Regulations, title 22, section 66273.33.5, subsection (c) (1) (B) (2), in that on or about May 5, 2011, Respondent

failed to immediately clean up and place in a structurally sound container any CRT that was broken or showed evidence of breakage and leakage.

### 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 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 a total penalty of \$ 15,000.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

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:

Robert Kou, Acting Performance Manager  
Enforcement and Emergency Response Program  
9211 Oakdale Avenue  
Chatsworth, California 91311

and

Debra Schwartz, Senior Staff Counsel  
Office of Legal Counsel  
9211 Oakdale Avenue  
Chatsworth, California 91311

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: October 19, 2011

Original signed by Al Solis  
Al Solis, Owner  
West Coast Recycling, LLC  
dba Mission Recycling  
Respondent

Dated: October 27, 2011

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