

STATE OF CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY DEPARTMENT OF TOXIC
SUBSTANCES CONTROL

In the Matter of:

Northwest River Supplies, Inc.
2009 South Main Street
Moscow, Idaho 83843

ID No. N/A

Respondent.

Docket HWCA 2010-2888

Consent Order

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Consent Order (Order) to Northwest River Supplies, Inc. (Respondent).

1.2. Site. Respondent is a manufacturer of kayaking gear, rafting supplies, and boating equipment and is the Importer of Record for a shipment of hazardous waste generated at its affiliate plant in Mexico through the United States Customs and Border Protection Port of Entry Otay Mesa, California.

1.3. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

DETERMINATION OF VIOLATIONS

2. Based upon observations made and evidence obtained during its July 14, 2010, truck stop inspection at the United States Custom and Border Protection Otay Mesa Port of Entry and documents submitted by Respondent, the Department has

determined that:

2.1. Respondent violated California Health and Safety Code 25189.5(a) in that on or about July 14, 2011, Respondent disposed of a neoprene rubber powder, a California hazardous waste (798.58 kilograms of neoprene rubber powder containing zinc above State TTLIC regulatory threshold levels) at Otay Landfill, a municipal landfill not authorized to accept and dispose of hazardous waste.

2.2. Respondent violated California Code of Regulations, title 22, section 66262.60(a), in that on or about July 14, 2010, Respondent imported a neoprene rubber powder, a California Hazardous Waste, without complying with all of the requirements for imports of hazardous waste.

2.3. Respondent violated California Health and Safety Code section 25163(a)(1) in that on or about July 14, 2011, Respondent transferred custody of a hazardous waste to a transporter who does not hold a valid registration issued by the DTSC.

2.4. Respondent violated California Code of Regulations, title 22, section 66262.11(a), in that on or about July 14, 2010, Respondent imported neoprene rubber powder, a California Hazardous Waste, without making a proper hazardous waste determination.

3. A dispute exists regarding the alleged violations.

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, and the Department agrees that no further violations shall be alleged against Respondent relating to any waste characterization, import, transport, and/or disposal of imported neoprene rubber powder prior to July 14, 2010. However, this settlement does not limit the Department from taking appropriate enforcement action concerning other violations.

8. Respondent admits the violations alleged above.

SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1.1. Respondent shall not dispose of any hazardous waste at a facility not authorized to accept and dispose of hazardous waste.

9.1.2 Respondent shall comply with all requirements for imports of hazardous, waste according to California Code of Regulations, title 22, section 66262.60(a), including manifesting and labeling.

9.1.3 Respondent shall not offer for transport hazardous waste to a transporter that does not hold a valid registration issued by the DTSC.

9.1.4 Respondent shall make a proper hazardous waste characterization according to California Code of Regulations, title 22, section 66262.11(a).

9.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Jose Alfredo Rios
Supervising Hazardous Substances Scientist
Enforcement and Emergency Response Program
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

9.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent 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 Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

9.4. Compliance with Applicable Laws: Respondent 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.

9.5. Liability: Nothing in this Consent 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 Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.6. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract

entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

9.7. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

9.8. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS:

10. Within 30 days of the effective date of this Order, Respondent shall pay to the Department a total penalty of \$28,400.00 dollars.

10. 1. The penalty shall be paid in one installment of \$28,400.00. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number (HWCA 2010-2888) on the check.

Respondent shall transmit the penalty payments 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 shall be sent to:

Jose Alfredo Rios
Supervising Hazardous Substances Scientist
Enforcement and Emergency Response Program
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

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.

OTHER PROVISIONS

11.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

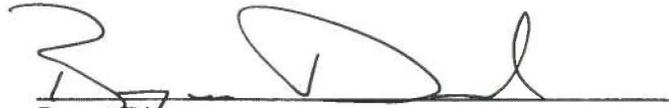
11.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

11.3. Parties Bound: This Consent 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 Consent Order.

11.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

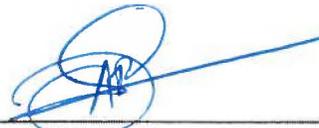
11.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: 12/28/11



Bryan Dingel
Vice President
Northwest River Supplies, Inc.

Dated: 1/09/12



Jose Alfredo Rios
Supervising Hazardous Substances Scientist
Enforcement and Emergency Response Program
Department of Toxic Substances Control