

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2011-5429

Our Planet Recycling
432 Venture Street
Escondido, CA 92029

CONSENT ORDER

Health and Safety Code
Section 25187

ID No. CUW 00000077

Respondent.

1. INTRODUCTION

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

1.2. Site. Respondent is a Universal Waste Handler of Universal Waste Electronic Devices (UWEDs), Cathode Ray Tubes (CRTs) (i.e. televisions and computer monitors) and CRT Glass at the following site: 432 Venture Street, Escondido, California 92029 (Site).

1.3. Inspection. The Department conducted a complaint investigation at the Site on November 1, 2011.

1.4. Authorization Status. On March 7, 2007, Respondent notified to the Department its intent to handle and collect UWEDs, CRTs and CRT Glass. Facility Identification Number 2058

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. Respondent violated California Code of Regulations (CCR), Title 22 section 66273.72(c)(2)(C)1 in that on or about November 1, 2011, Respondent failed to dismantle UWEDs over a containment device sufficient in size and construction to contain universal waste components and prevent releases.

2.1.2. Respondent violated CCR, Title 22 sections 66273.34 (d) and (e) or (g) in that on or about November 1, 2011, Respondent failed to label or mark containers of CRTs and UWEDs or designate/demarcate a specific accumulation area.

2.1.3. Respondent violated CCR, Title 22 section 66273.72 (a)(4)(c) in that on or about November 1, 2011, Respondent failed to immediately clean up spilled residuals of printed circuit boards.

2.1.4. Respondent violated CCR, Title 22 sections 66273.72 (a)(4)(A) and 66273.72 (d)(2)(B) in that on or about November 1, 2011, Respondent failed to contain and label residual printed circuit boards properly.

2.1.5. Respondent violated CCR, Title 22 section 66273.72 (c)(2)(A) in that on or about November 1, 2011, Respondent failed to comply with the notification, annual reporting, and recordkeeping requirements specified in CCR Title 22 section 66273.74 Subsections (a) through (c) (1), relevant to electronic device dismantling activities. Respondent failed to submit a notification for its dismantling activities at least 30 calendar days before dismantling any type of UWEDs.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Immediately, Respondent shall cease dismantling UWEDs until a containment device sufficient in size and construction to contain universal waste component and prevent releases has been installed.

3.1.2. Immediately Respondent shall label or mark all containers of Universal Waste CRTs and UWEDs, or designate a demarcated accumulation area where CRTs and EDs are received and stored/accumulated.

3.1.3. Immediately Respondent shall contain all spilled residual printed circuit boards and place in containers appropriate to prevent releases.

3.1.4. Respondent shall contain and label all residual printed circuit boards properly.

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3.1.5. Respondent shall submit by February 1 of each calendar year, the annual report and must include all collection and dismantling activities of UWEDs and CRTs. The violation has been corrected; Respondent submitted the required notification for dismantling activities of UWEDs and CRTs to the Department.

3.1.6. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein. The Department may re-inspect this facility at any time.

3.1.7 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 a total sum of \$4,000.00 dollars.

5.2. Payment of the total sum specified in Paragraph 5.1 is due within thirty (30) days from the effective date of this Consent Order.

5.3. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number (HWCA 2011-5429) on the check and shall be delivered together with the attached Payment Voucher.

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:

Alfredo Rios
Supervising Hazardous Substances Scientist I
Emergency Response and Enforcement Division
Department of Toxic Substances Control
9174 Sky Park Court Suite 150
San Diego, CA 92123.

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.

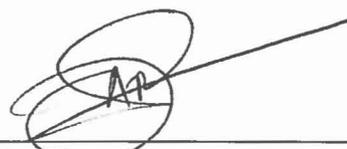
6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 5/23/2013


Chad Hunziker, Owner
Our Planer Recycling

Dated: 5/28/2013


Alfredo Ries
Supervising HSS I
Emergency Response and Enforcement Division
Department of Toxic Substances Control