

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Palo Verde Valley Disposal Service  
14701 South Broadway  
Blythe, California 92225

EPA ID No. CAL000303841

Respondent.

Docket HWCA 2009-2268

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California State Department of Toxic Substances Control (Department) and Palo Verde Valley Disposal Service (Respondent) enter into this Consent Order and agree as follows:

1.2. Site. Respondent handles and stores Universal Waste (UW) electronic devices and UW Cathode Ray Tubes (UW-CRTs) at the following site: 14701 South Broadway, Blythe, California 92225 (Site).

1.3. Inspection. The Department inspected the Site on April 29, 2010.

1.4. Authorization Status. Respondent is authorized to collect UW electronic devices and UW-CRTs.

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 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, title 22, section 66273.33.5, subdivision (c)(1)(B)2 in that on or about April 29, 2010, Respondent failed to manage CRT glass in a way that would prevent release of CRT glass, and immediately clean up and place in a structurally sound container any CRT glass that is released from a broken CRT or that is spilled.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66273.36, subdivision (b) in that on or about April 29, 2010, Respondent failed to initially train all personnel who manage or supervise those who manage universal waste from offsite sources.

## 3. SCHEDULE FOR COMPLAINT

3.1. Respondent shall comply with the following:

3.1.1. Based on the information provided by Respondent in its May 3, 2010, and May 12, 2010, submittal, the Department has determined that the violations alleged above have been corrected.

3.1.2. 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.

4.4. 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 the total sum of \$6,405 penalty.

5.2. The payment of the total sum specified in paragraph 5.1 shall be submitted as follows: Respondent shall make an initial payment, in the amount of \$2,135, on or before July 30, 2010. Respondent shall submit the second payment, in the amount of \$2,135 on or before October 30, 2010, and the third and final payment, in the amount of \$2,135 on or before and January 30, 2011.

5.3. Respondent's check 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 shall be sent to:

Carmelita E. Lampino, Unit Chief  
Enforcement and Emergency Response Program  
Enforcement Branch  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

5.4. Any installment payment that is received by the Department more than fifteen days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If Respondent fails to make any timely 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: June 22, 2010

Original signed by Gordon Beers  
Gordon Beers, President  
Palo Verde Valley Disposal Service

Dated: June 24, 2010

Original signed by Carmelita E. Lampino  
Carmelita E. Lampino, Unit Chief  
Enforcement and Emergency Response Program  
Enforcement Branch  
Department of Toxic Substances Control