

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

The Resource Management Group, Inc.  
4686 Mercury Street  
San Diego, CA 92111  
ID No. CAL000374762

Respondent.

Docket HWCA 2011-4509

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

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

1.2. Site. Respondent is a handler of Universal Waste Electronic Devices at the following site: 10320 Roselle Street, San Diego, California, 92121 (Site).

1.3. Inspection. The Department conducted a complaint investigation at the Site on July 28, 2011.

1.4. Authorization Status. Respondent notified the Department as a Handler of Universal Waste Electronic Devices and Cathode Ray Tubes on January 25, 2007, Facility ID 319.

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 Health & Safety Code, section 25201(a) in that on or about July 28, 2011, Respondent accepted and stored hazardous waste without a permit or authorization from DTSC. Respondent stored on site five (5) 55-gallon drums containing “broken fluorescent lamps”, a hazardous waste, for approximately six (6) months.

2.1.2. Respondent violated California Health & Safety Code, section 25163(a) in that on or about July, 28, 2011, Respondent transported hazardous waste without permit or authorization from DTSC. Respondent transported five (5) 55-gallon drums containing “broken fluorescent lamps”, a hazardous waste, from a generator to Respondent’s yard.

2.1.3. Respondent violated California Health & Safety Code section 25163(a) in that on or about June 22, 2011, Respondent transferred hazardous waste to a transporter which is not authorized by the Department. Respondent transferred five (5) 55-gallon drums of

“broken fluorescent lamps”, a hazardous waste, to Lights Out Disposal Company, a company not authorized to transport hazardous waste by the Department.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall not accept and store hazardous waste without a permit or authorization from the Department.

3.1.2. Respondent shall not transport hazardous waste without a permit or authorization from the DTSC.

3.1.3. Respondent shall not transfer hazardous waste to a transporter that is not authorized by the Department.

3.1.4. 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 penalty of \$11,000.00 dollars. Of the total penalty due, \$8,000.00 dollars is monetary fine and \$3,000.00 dollars shall be a credit for attending and completing California Compliance School.

5.2. The penalty shall be submitted within 30 days of the effective date of this Consent Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number (2011-4509) 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:

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

5.3. Respondent hereby agrees to send three (3) employees to a specified California Compliance School (Modules I-IV of the Hazardous Waste Generator Course). Attendance must be completed and the Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 180 days of the date of this Order. In recognition of this educational investment, Respondent has received a credit of \$3,000.00, if the employee(s) satisfactorily completes the specified modules. If Respondent fails to submit the certificate as required, the penalty is due and payable within 30 days after the 180-day period expires.

## 6. EFFECTIVE DATE

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

Dated: November 7, 2012

Original signed by Armen Derderian  
Armen Derderian, President/CEO  
The Resource Management Group, Inc.

Dated: November 15, 2012

Original signed by Alfredo Rios  
Alfredo Rios  
Supervising HSS I  
Emergency Response & Enforcement Program  
Department of Toxic Substances Control