



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
700 Heinz Avenue
Berkeley, California 94710



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SUMMARY OF VIOLATIONS

On January 25, 2013, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an inspection at:

Facility Name: The Recycle Depot, Inc.

Facility Address: 866 E. 5th Street
Hanford, CA 93230

EPA ID Number: CAL000304949

County: Kings County

As a result of this complaint investigation, violations of hazardous waste laws, regulations, and requirements listed on the attached pages were discovered. All violations must be corrected; the actions you must take to correct the violations are listed with each violation. If you disagree with any of the violations or proposed corrective actions listed in this Summary of Violations, you should inform DTSC. Additional violations may be found after the site visit, and these will be identified in the Violation section of the inspection report.

You may request a meeting with DTSC to discuss the inspection or the Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the Summary of Violations or violations that have not been corrected within the time provided. A false statement that compliance has been achieved is a violation of the law and punishable by a fine of not less than \$2,000 or more than \$25,000 for each occurrence. DTSC may re-inspect this facility at any time.

Company Representative Accepting Summary

DTSC Representative

Name: Jeff Prins

Name: Antonia Becker

Signature: [Signature]

Signature: [Signature]

Title: President

Title: Sr. Hazardous Substances Scientist

Date: 4/11/13

Date: 3/28/13

Department of Toxic Substances Control

700 Heinz Avenue
Berkeley, California 94710

SUMMARY OF VIOLATIONS

Facility Name: The Recycle Depot, Inc., 866 E. 5th St, Hanford

Date: March 28, 2013

SECTION I: NON - MINOR VIOLATIONS AND REQUIRED CORRECTIVE ACTION (Violations not considered Minor Violations)

You must correct the following violation(s) within the specified time frame for each violation.

1. The Recycle Depot, Inc. 866 E. 5th Street, Hanford site (RD-H5) violated California Health and Safety Code (HSC), section 25201(a) and California Code of Regulations (Cal. Code Regs.), title 22, section 66262.10(h), in that RD-H5 stored and treated hazardous waste at a facility, area, and/or site, without a hazardous waste facilities permit or other grant of authorization from the Department of Toxic Substances Control (Department), to wit:
 - A. On and/or before January 25, 2013, RD-H5 stored crushed appliances that contained materials requiring special handling (MRSH) in uncontained piles on the ground at the RD-H5 facility. On January 25, 2013, Department staff observed crushed appliances in uncontained piles on the ground. According to Mr. Prins, owner and operator of RD-H5, the appliances are crushed and loaded into trucks for transport to Recycle Depot, Inc.'s 8461 Ave 304, Visalia site (RD-V). Mr. Prins further stated that MRSH was not removed from the appliances at either the RD-H5 or the RD-V sites prior to being crushed.
 - B. On and/or before January 25, 2013, RD-H5 treated hazardous waste (major appliances) by crushing (with MRSH components inside the appliances) without authorization from the Department. Mercury-containing components in major appliances, vehicles, and other products are classified as California listed hazardous waste codes M001 and M002 (see Cal. Code Regs., title 22, section 66261.50). Major appliances, vehicles, and products from which mercury-containing components have not been removed are also classified as California listed hazardous waste. There is no minimum threshold or concentration limit for the mercury contained in these items. Because RD-H5 failed to remove the MRSH from appliances, including mercury switches, prior to crushing those appliances, the crushed appliances are a California M002 listed hazardous waste.
2. RD-H5 violated Cal. Code Regs., title 22, sections 66262.10(h), 66262.34(a)(4), and 66265.31, in that on and/or before January 25, 2013, RD-H5 failed to minimize the release of hazardous waste or hazardous waste constituents to the air, soil, or surface water,

which could threaten human health or the environment. Specifically, RD-H5 failed to remove MRSH from appliances prior to being crushed on the ground, which has the potential to release mercury, PCBs, and/or other oils contained in the MRSH components onto the ground and into the storm drain that leads to the on-site unlined surface impoundment. Additionally, Department staff observed oil stains on the ground in and around the area where crushed appliances and vehicles were located.

Schedule for Compliance for Violations 1 and 2:

RD-H5 shall immediately cease storing and treating (crushing) hazardous waste without authorization from the Department. Additionally, RD-H5 shall collect and contain any contaminated scrap metal residual wastes released onto any surface areas.

3. RD-H5 violated HSC sections 25201(a), 25211.2, and 25211.4 in that, on and/or before January 25, 2013, it received major appliances without being a certified appliance recycler (CAR) and/or received appliances from persons who were not CARs. RD-H5 receives appliances from the public, according to Mr. Prins, and based on observations from Department staff.

Schedule for Compliance for Violation 3:

RD-H5 shall immediately cease receiving major appliances from persons who are not CAR's. If RD-H5 wishes to become a CAR, it shall apply to the Department and receive written certification pursuant to HSC 25211.4. Upon certification as an appliance recycler, RD-H5 shall immediately begin removing the MRSH and managing it as hazardous waste or universal waste prior to processing the major appliances by crushing, baling, shredding, sawing, and/or shearing.

4. RD-H5 violated Cal. Code Regs., section 66263.23(b), in that, on and/or before January 25, 2013, RD-H5 transported hazardous waste to an unauthorized facility. RD-H5 transported crushed appliances that contained MRSH to the RD-V facility, an unauthorized facility. According to Mr. Prins, after appliances are crushed and loaded into trucks at RD-H5, they are transported to the RD-V site to be shredded.

Schedule for Compliance for Violation 4:

RD-H5 shall immediately cease transporting hazardous waste to the RD-V facility. RD-H5 shall ensure that all future shipments of hazardous waste are destined for facilities that are authorized to receive and dispose of hazardous waste.

5. RD-H5 violated HSC section 25163, in that on and/or before January 25, 2013, RD-H5 transported hazardous waste in its own vehicles without a valid registration from the Department. According to Mr. Prins, RD-H5 transports crushed appliances that contain MRSH, a California listed M002 hazardous waste, as a non-hazardous waste from its RD-H5 facility to the RD-V facility on a weekly basis.

Schedule for Compliance for Violation 5:

RD-H5 shall immediately cease transporting hazardous waste unless it obtains a valid hazardous waste transporter registration from the Department.

6. RD-H5 violated HSC section 25160(b)(1) in that , on and/or before January 25, 2013, RD-H5 failed to complete any hazardous waste manifests prior to the time shipments of hazardous waste were transported or offered for transportation. According to Mr. Prins, RD-H5 transports crushed appliances that contain MRSH, a California listed M002 hazardous waste, as a non-hazardous waste from its RD-H5 facility to the RD-V facility on a weekly basis.

Schedule for Compliance for Violation 6:

Prior to offering any hazardous waste for transportation, RD-H shall complete a hazardous waste manifest.

7. RD-H5 violated 66263.20 in that, on and/or before January 25, 2013, RD-H5 accepted and transported shipments of hazardous wastes without a manifest. According to Mr. Prins, RD-H5 transports crushed appliances that contain MRSH, including California listed M002 hazardous waste, as a non-hazardous waste from its RD-H5 facility to the RD-V facility on a weekly basis.

Schedule for Compliance for Violations 7:

RD-H5 shall not accept or transport any hazardous waste without a manifest. In addition, RD-H5 shall not transport any hazardous waste unless it becomes a registered hazardous waste transporter.

8. RD-H5 violated Cal. Code Regs., title 22, sections 66260.200 and 66262.11 in that, on and/or before January 25, 2013, RD-H5 failed to determine if the crushed appliances that contained MRSH were a hazardous waste.

Schedule for Compliance for Violation 8:

RD-H5 shall make a determination in accordance with the regulations that any waste it generates is properly characterized as hazardous or non-hazardous.

9. RD-H5 violated Cal. Code Regs., title 22, section 66273.32(c)(1), in that, RD-H5 failed to notify the Department in writing 30 calendar days prior to accepting any electronic devices. On January 25, 2013, Department staff observed electronic devices (microwaves and computers) at the RD-H5 facility.

Schedule for Compliance for Violation 9:

RD-H5 shall immediately cease accepting electronic devices until it complies with the

requirements set forth in Cal. Code Regs., title 22, section 66273.71, et seq.

10. RD-H5 violated Cal. Code Regs., title 22, sections 66262.30, 66262.31, 66262.32, and 66262.33 in that, on and/or before January 25, 2013, RD-H5 failed to package, label, mark, and placard hazardous waste in accordance with applicable United States Department of Transportation (USDOT) regulations for hazardous materials. According to Mr. Prins, RD-H5 transports crushed appliances that contain MRSH, a California listed M002 hazardous waste, as a non-hazardous waste from its RD-H5 facility to the RD-Vfacility on a weekly basis.

Schedule for Compliance for Violation10:

RD-H5 shall package, label, mark, and placard all future shipments of hazardous waste in accordance with applicable USDOT regulations.