



Department of Toxic Substances Control

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Secretary for
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700 Heinz Avenue
Berkeley, California 94710

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SUMMARY OF VIOLATIONS

On January 23-24, 2013, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an inspection at:

Facility Name: The Recycle Depot, Inc.

Facility Address: 10716 8th Ave
Hanford, CA 93230

EPA ID Number: CAL000359929 **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 Davis

Name: Antonia Becker

Signature: [Handwritten Signature]

Signature: [Handwritten 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., 10716 8th Ave, 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. 8th Avenue, Hanford site (RD-H) 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-H accepted, stored, treated, and/or disposed of 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 23, 2013, RD-H accepted hazardous waste (appliance and auto shredder fluff and scrap bottoms) from its Visalia facility located at 8461 Avenue 304 (Goshen Avenue) (RD-V) at the RD-H facility. According to Mr. Jeff Prins, owner and operator of RD-H, the piles of appliance and auto shredder fluff and scrap bottoms currently stored at the RD-H facility were shipped from its RD-V facility for further processing. Based on samples collected by Department staff and analyzed by the Department's Environmental Chemistry Laboratory (ECL), the appliance and auto shredder fluff and scrap bottoms are hazardous wastes because the samples exceeded regulatory limits for metals. (See attached laboratory reports). Additionally, 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, 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 employees at the RD-V facility failed to remove mercury switches and/or components from vehicles and major appliances prior to being shredded at the RD-V facility, the appliance and auto shredder fluff received from the RD-V facility are also California listed hazardous wastes M001 and M002.
 - B. On and/or before January 23, 2013, RD-H stored hazardous waste (trommel fines, scrap bottoms, and appliance and auto shredder fluff) in uncontained piles on the dirt and on paved surfaces at the RD-H facility. The scrap bottoms and the appliance and

auto shredder fluff were stored in one 237' x 137' x 25' (approx.) pile on dirt in the northwest area of the RD-H facility. Two other uncontained piles of appliance and auto shredder fluff, measuring approximately 103' x 55' x 20' and 50' x 50' x 15', were stored on a paved surface in the metal processing area. Trommel fines were stored in a 177' x 50' x 40' (approx.) uncontained pile on dirt in the northwest section of the RD-H facility and in a 94' x 50' x 15' uncontained pile on a paved surface in the metal processing area. The trommel fines, scrap bottoms, and appliance and auto shredder fluff are hazardous waste based on samples collected by Department staff and analyzed by the Department's ECL (See attached laboratory reports).

- C. On and/or before January 23, 2013, RD-H accepted and stored electronic waste without authorization from the Department. To obtain authorization to handle electronic waste, RD-H must comply with the requirements set forth in Cal. Code Regs., title 22, section 66273.71 et seq. On January 23, 2013, Department staff observed two roll-off bins containing electronic waste (computer tower) in the southern section of the RD-H facility. In addition, other electronic components (printed circuit boards, stereo and computer components) were observed in and around the piles in the metal processing area. According to Mr. Prins, RD-H received the electronic devices in the two bins from one customer approximately four years ago.
 - D. On and/or before January 23, 2013, RD-H treated hazardous waste (appliance and auto shredder fluff) without authorization from the Kings County's Certified Unified Program Agency (CUPA). According to Mr. Prins, appliance and auto shredder fluff (all of it hazardous waste, see attached laboratory reports) are processed through a trommel, a magnet, and a manual sorting line on a weekly basis. Screening and magnetic separation requires a permit from the CUPA pursuant to Cal. Code Regs., title 22, section 66261.24(a)(2).
 - E. On and/or before January 23, 2013, RD-H caused the disposal of hazardous waste in that it placed uncontained piles of trommel fines, appliance and auto shredder fluff, and scrap bottom on dirt at the RD-H facility. A soil sample collected next to those piles showed levels of metals above hazardous waste regulatory limits. RD-H also caused the disposal of hazardous waste from a pile of trommel fines stored inside a concrete block containment structure. The trommel fines leaked from between the concrete blocks onto the dirt roadway. The trommel fines, scrap bottoms, and appliance and auto shredder fluff are hazardous waste based on samples collected by Department staff and analyzed by the Department's ECL. (See attached laboratory reports).
2. RD-H violated Cal. Code Regs., title 22, sections 66262.10(h), 66262.34(a)(4), and 66265.31, in that on and/or before January 23, 2013, RD-H 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-H failed to manage the hazardous waste piles and the metal sorting process area in a manner that prevents releases to the air, soil, or surface water. Soil samples collected by Department staff on January 23 and 24, 2013, in and around RD-H's waste piles and metal sorting process area, contained metals that exceeded regulatory limits. (See attached laboratory

reports).

Schedule for Compliance for Violations 1 and 2:

- A. RD-H shall immediately cease accepting, storing, treating, and/or disposing of hazardous waste. Prior to conducting any further treatment of the appliance and auto shredder fluff, RD-H shall obtain a permit from the Kings County CUPA. Hazardous waste piles that cannot be immediately moved off the ground and containerized shall be immediately covered with heavy-gauge plastic sheeting to prevent the further dispersal of contaminants by wind or rain.
- B. Within 45 days of receiving this Summary of Violations (SOV), RD-H shall submit a work plan to the Department for review and approval, that describes the actions RD-H proposes to take to containerize, remove, and/or further process the hazardous waste piles (i.e., the piles of trommel fines, appliance and auto shredder fluff, and scrap bottoms). This work plan shall ensure that any containerization, removal, or processing of these piles does not create any visible or excessive emissions of dust, dirt, or particulates that could be detrimental to human health and/or the environment. The work plan shall include an air monitoring and sampling plan that shall comply with all San Joaquin Valley Air Pollution Control District (SJCAPCD) rules and regulations. Data from the sampling of these waste piles by the Department shall be used to develop and evaluate these plans. This work plan shall also include a proposed time schedule for the removal of any scrap metal content from the piles and the subsequent management and disposal of the remaining dirt/debris/hazardous waste. The work plan shall also include any contingency plans that may be necessary to manage the effects of wind and/or precipitation events that could lead to further dispersal of contaminants, e.g., covering with plastic or using a liquid sealant.
- C. The plan shall also propose practices to be implemented to prevent the accumulation of any hazardous waste in uncontained piles and to containerize and manage all hazardous waste that RD-H anticipates it will generate in the future.
- D. The plan shall also propose how any hazardous waste RD-H will generate from the storage and processing of scrap metals will be managed in order to minimize the release of hazardous waste or hazardous waste constituents to the air, soil, or surface water. RD-H shall include in its work plan how it will prevent releases of contaminated storm water runoff into the soil (on-site and off-site) and into the adjacent irrigation canal.
- E. Upon approval of the proposed work plan by the Department, RD-H shall begin processing and containerizing and/or disposing of the accumulated hazardous waste piles on the ground, according to the approved protocols and schedule in the approved plan. Please note, by requiring RD-H to submit this work plan, the Department is not authorizing the storage of hazardous waste in waste piles at its RD-H facility, nor is it authorizing RD-H to treat hazardous waste.

F. RD-H shall immediately make arrangements for the shipment of the two roll-off bins of electronic waste to an authorized hazardous waste facility using a registered hazardous waste transporter.

3. RD-H violated Cal. Code Regs., section 66263.23(b), in that RD-H transported hazardous waste to an unauthorized facility. On and/or before January 23, 2013, RD-H transported appliance and auto shredder fluff from the RD-H facility to the Avenal Regional Landfill, an unauthorized facility. The appliance and auto shredder fluff are a hazardous waste based on samples collected by Department staff and analyzed by the Department's ECL (See attached laboratory reports). The appliance and auto shredder fluff are also California listed hazardous wastes (M001 and M002).

Schedule for Compliance for Violation 3:

RD-H shall immediately cease transporting hazardous waste to Avenal Regional Landfill. RD-H shall transport all future shipments of hazardous waste to facilities that are authorized to receive and/or dispose of hazardous waste.

4. RD-H violated HSC section 25163, in that on and/or before January 23, 2013, RD-H transported hazardous waste in its own vehicles without a valid registration from the Department. According to Mr. Prins, RD-H transports, on a weekly basis, appliance and auto shredder fluff (a hazardous waste) from its RD-H facility to the Avenal Regional Landfill.

Schedule for Compliance for Violation 4:

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

5. RD-H violated HSC section 25160(b)(1), in that on and/or before January 23, 2013, RD-H failed to complete any hazardous waste manifests prior to the time shipments of hazardous waste were offered for transportation or transported. According to Mr. Prins, RD-H transports appliance and auto shredder fluff (a hazardous waste) as a non-hazardous waste from its RD-H facility to the Avenal Regional Landfill on a weekly basis.

Schedule for Compliance for Violation 5:

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

6. RD-H violated Cal. Code Regs., section 66263.20 in that on and/or before January 23, 2013, RD-H accepted and transported shipments of hazardous wastes without a manifest. According to Mr. Prins, RD-H transported appliance and auto shredder fluff (a hazardous waste, see attached laboratory reports) as a non-hazardous waste from its RD-H facility to the Avenal Regional Landfill on a weekly basis.

Schedule for Compliance for Violation 6:

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

7. RD-H violated Cal. Code Regs., title 22, sections 66260.200 and 66262.11 in that on and/or before January 23, 2013, RD-H failed to determine if the trommel fines, appliance and auto shredder fluff, and scrap bottom waste streams were hazardous wastes. (See attached laboratory reports).

Schedule for Compliance for Violation 7:

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

8. RD-H violated Cal. Code Regs., title 22, section 66273.32(c)(1), in that, RD-H failed to notify the Department in writing 30 calendar days prior to accepting any electronic waste from an offsite source. On January 23, 2013, Department staff observed two roll-off bins containing electronic devices. According to Mr. Prins, RD-H received the electronic devices (computers and computer components) from one customer approximately four years ago.

Schedule for Compliance for Violation 8:

RD-H 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.

9. RD-H violated Cal. Code Regs., title 22, section 66262.34(f), in that on and/or before January 23, 2013, RD-H failed to place labels on containers of hazardous waste, to wit: RD-H failed to place labels on two roll-off bins containing electronic waste (computer towers) as well as two plastic containers of damaged batteries.
10. RD-H violated Cal. Code Regs., title 22, sections 66262.30, 66262.31, 66262.32, and 66262.33 in that on and/or before January 23, 2013, RD-H 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-H transported appliance and auto shredder fluff (a hazardous waste) as a non-hazardous waste from its RD-H facility to the Avenal Regional Landfill on a weekly basis.

Schedule for Compliance for Violations 9 and 10:

RD-H shall immediately place hazardous waste labels on all hazardous waste containers accumulated on site in accordance with Cal. Code Regs., title 22, section 66262.34(f). Additionally, RD-H shall package, label, mark, and placard all future shipments of

hazardous waste in accordance with applicable USDOT regulations.