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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 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: 8461 Ave 304 (Goshen), Visalia

EPA ID Number:

County: Tulare

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: [Signature]

Signature: [Signature]

Title: President

Title: Jr. 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., 8461 Ave 304 (Goshen), Visalia **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. 8461 Ave 304, Visalia site (RD-V) 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-V 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 24, 2013, RD-V accepted hazardous waste (major appliances) from the 866 E. 5th Street, Hanford facility (RD-H5). According to Mr. Jeff Prins, owner and operator of RD-V, major appliances received from the public at the RD-H5 facility are crushed without the prior removal of any materials requiring special handling (MRSH). The crushed appliances are then loaded into Recycle Depot trucks and transported to RD-V's facility for further processing in the shredder. 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 mercury switches and/or components from major appliances prior to being crushed, the crushed appliances transported to RD-V's facility are California M002 listed hazardous wastes.
 - B. On and/or before January 24, 2013, RD-V stored hazardous waste received from the RD-H5 facility. According to Mr. Prins, RD-V's facility received crushed major appliances (containing MRSH) and processed them in the shredder at RD-V. Additionally, RD-V stored crushed appliances (containing MRSH) in uncontained piles on the ground.
 - C. RD-V accepted and stored electronic devices without authorization from the

Department. On January 24, 2013, Department staff observed electronic devices (microwave ovens and computer towers) in the scrap metal unloading area of RD-V.

D. On and/or before January 24, 2013, RD-V treated hazardous waste (appliance and auto shredder fluff) without authorization from the Kings County's Certified Unified Program Agency (CUPA). According to Mr. Prins, RD-V's facility received crushed major appliances that contained MRSH and processed them in a shredder at RD-V. Additionally, Mr. Prins stated that mercury switches were not removed from vehicles prior to being processed in the shredder. Treating hazardous wastes requires a permit from the CUPA pursuant to Cal. Code Regs., title 22, section 66261.24(a)(2).

E. On and/or before January 24, 2013, RD-V disposed of hazardous waste onto the unpaved soil in the active scrap metal processing area based on samples collected by Department staff (See attached analytical laboratory reports).

2. RD-V violated Cal. Code Regs., title 22, sections 66262.10(h), 66262.34(a)(4), and 66265.31, in that on and/or before January 24, 2013, RD-V 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-V failed to remove MRSH from appliances and vehicles prior to crushing and/or shredding, which resulted in releases of hazardous waste onto the ground. Soil samples collected by Department staff on January 24, 2013, in RD-V's scrap metal crushing area, contained metals that exceeded regulatory thresholds. (See attached analytical laboratory reports).

Schedule for Compliance for Violations 1 and 2:

RD-V shall immediately cease accepting, storing, treating, and/or disposing of hazardous waste without authorization from the Department or the Certified Unified Program Agency (CUPA). Additionally, RD-V shall collect, contain, and properly dispose of any contaminated scrap metal residual wastes released onto any surface areas.

3. RD-V violated HSC, section 25211 et seq., in that on and/or before January 24, 2013, it failed to remove MRSH from all major appliances and vehicles in which they are contained prior to crushing and/or shredding at RD-V. RD-V also failed to do the following: failed to submit a monthly orphaned appliances report; failed to make available for inspection and retain records required under HSC section 25211 et seq. for a period of three years; and failed to record and maintain the amount, by volume or weight or both of each material that required special handling.

Schedule for Compliance for Violation 3:

RD-V shall immediately cease accepting any major appliances until such time that RD-V can demonstrate to the Department that it is capable of properly removing MRSH from all major appliances and vehicles and that RD-V can comply with the provisions of HSC Chapter 6.5, section 25211 et. seq. and the Public Resources Code Chapter 3.5, section 42160 et seq.

- RD-V violated Cal. Code Regs., section 66263.23(b), in that RD-V transported hazardous waste to an unauthorized facility. On and/or before January 24, 2013, RD-V transported scrap bottoms and appliance and auto shredder fluff to the 10716 8th Ave Hanford site (RD-H8), an unauthorized facility. 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).

Schedule for Compliance for Violation 4:

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

- RD-V violated HSC section 25163, in that on and/or before January 24, 2013, RD-V transported hazardous waste in its own vehicles without a valid registration from the Department. According to Mr. Prins, RD-V transports, on a weekly basis, appliance and auto shredder fluff (a hazardous waste, see attached laboratory reports) from its RD-V facility to the RD-H8 facility.

Schedule for Compliance for Violation 5:

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

- RD-V violated HSC section 25160(b)(1) in that, on and/or before January 24, 2013, RD-V 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-V transports appliance and auto shredder fluff (a hazardous waste, see attached laboratory reports) as a non-hazardous waste from its RD-V facility to the RD-H8 facility on a weekly basis.

Schedule for Compliance for Violation 6:

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

- RD-V violated 66263.20 in that, on and/or before January 24, 2013, RD-V accepted and transported shipments of hazardous wastes without a manifest. According to Mr. Prins, RD-V transports appliance and auto shredder fluff (a hazardous waste, see attached laboratory reports) as a non-hazardous waste from its RD-V facility to the RD-H8 facility on a weekly basis.

Schedule for Compliance for Violations 7:

RD-V shall not accept or transport any hazardous waste without a manifest. In addition,

RD-V shall not transport any hazardous waste until it becomes a registered hazardous waste transporter.

- RD-V violated Cal. Code Regs., title 22, sections 66260.200 and 66262.11 in that, on and/or before January 24, 2013, RD-V failed to determine if the appliance and auto shredder fluff and scrap bottoms were hazardous wastes.

Schedule for Compliance for Violation 8:

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

- RD-V violated Cal. Code Regs., title 22, section 66273.32(c)(1), in that, RD-V failed to notify the Department in writing 30 calendar days prior to accepting any electronic devices. On January 24, 2013, Department staff observed electronic devices (microwaves and computer towers) in the metal scrap unloading area at the RD-V facility.

Schedule for Compliance for Violation 9:

RD-V 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.

- RD-V violated Cal. Code Regs., title 22, sections 66262.30, 66262.31, 66262.32, and 66262.33 in that, on and/or before January 24, 2013, RD-V 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-V transported appliance and auto shredder fluff (a hazardous waste, see attached laboratory reports) as a non-hazardous waste from its RD-V facility to the RD-H8 facility on a weekly basis.

Schedule for Compliance for Violation 10:

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