

1 KAMALA D. HARRIS  
Attorney General of California  
2 KIRK MCINNIS  
Deputy Attorney General  
3 State Bar No. 130952  
1515 Clay Street, 20th Floor  
4 P.O. Box 70550  
Oakland, CA 94612-0550  
5 Telephone: (510) 622-2191  
Fax: (510) 622-2270  
6 E-mail: Kirk.McInnis@doj.ca.gov  
Attorneys for California Department  
7 of Toxic Substances Control

**FILED**  
SUPERIOR COURT OF CALIFORNIA

MAY - 2 2012

COUNTY OF TEHAMA, CIVIL DIVISION  
GINA SETTER, CLERK OF THE COURT  
BY Hull Wolf DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF TEHAMA

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13 CALIFORNIA DEPARTMENT OF  
TOXIC SUBSTANCE CONTROL

Plaintiff,

14  
15 v.

16 RANDY RENSHAW

17 Defendants.  
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Case No.

**66543**

JUDGMENT TO COLLECT  
ADMINISTRATIVE PENALTIES

(Health and Safety Code, § 25184.1)

20 On the application of the California Department of Toxic Substance Control under Health  
21 and Safety Code section 25184.1, **IT IS ORDERED THAT** the California Department of Toxic  
22 Substances Control shall recover from Defendant Randy Renshaw Forty Eight Thousand Dollars  
23 (\$48,000.00).  
24  
25

26 Dated: \_\_\_\_\_

**MAY 2 2012**

~~Gina Setter~~  
Clerk of the Court

Hull Wolf  
Clerk of the Court

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KAMALA D. HARRIS  
Attorney General of California  
MARGARITA PADILLA  
Supervising Deputy Attorney General  
KIRK MCINNIS  
Deputy Attorney General  
State Bar No. 130952  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2191  
Fax: (510) 622-2270  
E-mail: Kirk.McInnis@doj.ca.gov  
*Attorneys for California Department of Toxic  
Substances Control*

~~MAILED~~  
**FILED**  
SUPERIOR COURT OF CALIFORNIA  
APR 30 2012  
COUNTY OF TEHAMA, CIVIL DIVISION  
GINA SETTER, CLERK OF THE COURT  
BY Michelle Woolly, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF TEHAMA

**CALIFORNIA DEPARTMENT OF  
TOXIC SUBSTANCES CONTROL**  
  
Plaintiff,  
  
v.  
  
**RANDY RENSHAW**  
  
Defendant.

Case No. **66543**  
**APPLICATION FOR JUDGMENT TO  
COLLECT ADMINISTRATIVE  
PENALTY; EXHIBITS**  
  
(Health and Safety Code section 25184.1)

**TO THE CLERK OF THE COURT:**

Pursuant to Health and Safety Code section 25184.1, the California Department of Toxic Substances Control (the "Department") applies for a judgment against Randy Renshaw to collect an administrative penalty in the amount of Forty-Eight Thousand Dollars (\$48,000.00). Attached as Exhibit A is a certified copy of the Department's "Enforcement Order" against Mr. Renshaw. Attached as Exhibit B is the Department's "Notice of Final Order" directed to Mr. Renshaw. Attached as Exhibit C is a "Certification of Official Writing" by Joseph Hunt, Hazardous Substances Scientist for the Department.

1 Pursuant to Health and Safety Code section 25184.1, the Department “may apply to the  
2 clerk of an appropriate court for a judgment to collect the administrative penalty” imposed by an  
3 administrative order or decision issued under Chapters 6.5 or 6.8 of the Health and Safety Code.  
4 (Health & Saf. Code, § 25184.1.) The only prerequisites for obtaining such a judgment are that:  
5 (1) “the administrative order or decision has become final,” and, if applicable (2) “a petition for  
6 judicial review of the final order or decision has not been filed within the time limits prescribed in  
7 Section 11523 of the Government Code.” (*Id.*) When these conditions are met, “the  
8 department’s application, which shall include a certified copy of the final administrative order or  
9 decision, constitutes a sufficient showing to warrant issuance of the judgment.” (*Id.*) Section  
10 25184.1 also provides that “[t]he court clerk shall enter the judgment immediately in conformity  
11 with the application.” (*Id.*)

12 The attached Enforcement Order is an order assessing a Forty-Eight Thousand Dollar  
13 (48,000.00) administrative penalty against Mr. Renshaw under Health and Safety Code section  
14 25187, which is part of Chapter 6.5 of Division 20 of the Health and Safety Code. (Ex. A, at ¶5.)  
15 The penalty arises from Mr. Renshaw’s conduct in Red Bluff, Tehama County, California, (see *id.*  
16 at ¶1.2), making the Tehama Superior Court an “appropriate court” for this application. (See  
17 Health & Saf. Code, § 25184.1.) The Order’s effective date is January 25, 2012, the date the  
18 Department signed it. (Ex. A, at ¶7.) The effective date of the penalty provision is twenty days  
19 from the date of mailing the cover letter transmitting the Order to Mr. Renshaw unless Mr.  
20 Renshaw requested a hearing within the 20-day period. (Ex. A, at ¶¶6, 7.) Mr. Renshaw did not  
21 file a Notice of Defense or request a hearing from the Department. (Ex. B.) Therefore, under  
22 Government Code section 11523, the Order became final 30 days after this effective date,  
23 meaning that it was final by March 26, 2012.

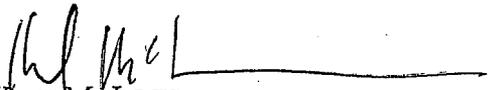
24 Since Mr. Renshaw did not file a Notice of Defense or request a hearing or petition for  
25 review of the Department’s Administrative Order before (or after) the Order became final, the  
26 prerequisites for issuance of a judgment under Health and Safety Code section 25184.1 have been  
27 met.  
28

1 Based on the above, the Department respectfully requests that the Clerk of this Court enter  
2 judgment against Mr. Renshaw in the amount of Forty-Eight Thousand Dollar (48,000.00). The  
3 Department is submitting a proposed judgment concurrently with this application.

4 Dated: April 13, 2012

Respectfully Submitted,

5 KAMALA D. HARRIS  
6 Attorney General of California  
7 MARGARITA PADILLA  
8 Supervising Deputy Attorney General

9   
10 KIRK MCINNIS  
11 Deputy Attorney General  
12 *Attorneys for California Department of*  
13 *Toxic Substances Control*

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**Exhibit A**  
**Enforcement Order**

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Renshaw's Recycling Solutions, d.b.a.  
Appliance Recycling Solutions, a.k.a.  
USA Recycling

20770 Minch Road,  
Red Bluff, California 96080

ID No. CAL000355947

Respondent.

Docket HWCA 20103949

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties: The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Randy Renshaw, of Renshaw's Recycling Solutions, d.b.a. Appliance Recycling Solutions, a.k.a. USA Recycling (Respondent).

1.2. Site: Respondent generates, handles, stores, and/or disposes of hazardous waste at the following site: 20770 Minch Road, Red Bluff, California (Site).

1.3. The Respondent generates the following hazardous waste: Electronic waste (E-waste), Electronic Devices (EDs) and Cathode Ray Tubes (CRTs).

1.4. Jurisdiction: Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

## DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondent violated California Code of Regulations, title 22, sections 66273.33.5 (a)(1)(B)(1) and 66273.33.5 (b)(1)(B)(1) in that on or about February 15, 2011, the Respondent failed to package and/or contain EDs (DVD players, VCRs, Radios, Fax Machines, Scanners, Printers, Computer Peripherals, Cable TV Boxes, Stereo Receivers, and others) and CRTs (TV's and computer monitors) in a manner that prevents breakage and release of their components.

2.2. The Respondent violated California Code of Regulations, title 22, sections 66273.33.5 (a)(1)(B2), 66273.33.5 (b)(1)(B)(2) and 66273.33.5 (c)(1)(B)(2) in that on or about February 15, 2011, the Respondent failed to immediately clean up and place in structurally sound containers glass from broken CRTs, as well as EDs and CRTs that had been accidentally or unintentionally broken and may cause a release of hazardous constituents to the environment under reasonably foreseeable conditions.

2.3. The Respondent violated California Code of Regulations, title 22, section 66273.32 (d)(1) in that the Respondent submitted a notification of intent to handle Universal Waste Electronic Devices (UWEDs) to DTSC on May 28, 2008, but failed to submit annual reports of universal waste handling activities for Years 2008, 2009, and 2010. By failing to submit annual reports, Renshaw's failed to provide DTSC the information it needs to analyze e-waste handling activities in California.

2.4. The Respondent violated California Code of Regulations, title 22, sections 66273.34(d) through (g) in that the Respondent failed to label or mark 100% of its EDs, CRTs, or containers or pallets in or on which EDs or CRTs were contained; with the

applicable phrase: "Universal Waste – Electronic Device(s)/CRTs/ CRT Glass/Mercury Containing Equipment", or clearly label the demarcated boundaries of a designated accumulation area with the applicable portion(s) of the phrase: "Universal Waste – Electronic Device(s)/CRTs/CRT Glass/Mercury Containing Equipment."

2.5. The Respondent violated California Code of Regulations, title 22, sections 66273.35(b)(1) through (b)(6) in that the Respondent failed to demonstrate the length of time EDs, CRTs, or CRT Glass had been accumulating onsite since the date they were received.

#### SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. The violations that are the subject of this Enforcement Order have been corrected.

3.2. Submittals: All submittals from a Respondent pursuant to this Order shall be sent simultaneously to:

Dr. Sangat Kals, Ph.D.  
Section Chief  
State Oversight & Enforcement Branch  
Enforcement & Emergency Response Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826

3.3. Communications: All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding

reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. 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. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central

depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

## OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, 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.

4.4. Time Periods: "Days" for purposes of this Order means calendar days.

## PENALTY

5: Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at Forty-Eight Thousand Dollars (\$48,000.00). Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case.

Respondent shall deliver the penalty payment 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:

Dr. Sangat Kals, Ph.D.  
Section Chief  
State Oversight & Enforcement Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
8800 Cal Center Dr.  
Sacramento, CA 95826

AND

Jennifer Connor, Staff Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 I Street  
PO Box 806; MS-23A  
Sacramento, California 95812-0806

RIGHT TO A HEARING

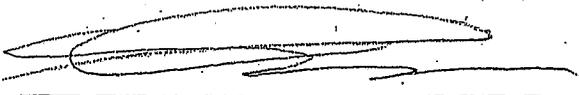
6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance

Jan. 25, 2012

  
Dr. Sangat Kals, Ph.D.  
Section Chief, SOEB  
Department of Toxic Substances Control

**Exhibit B**  
Notice of Final Order

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Renshaw's Recycling Solutions, d.b.a.  
Appliance Recycling Solutions, a.k.a.  
USA Recycling

20770 Minch Road,  
Red Bluff, California 96080

ID No. CAL000355947

Respondent.

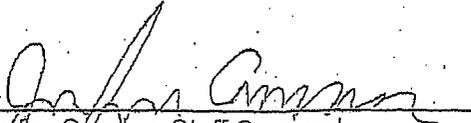
Docket HWCA 20103949

NOTICE OF FINAL ORDER

TO Randy Renshaw (RESPONDENT):

PLEASE TAKE NOTICE that pursuant to Health and Safety Code section 25187(d)(1), the Enforcement Order issued by the Department of Toxic Substances Control on January 25, 2012 and served upon you has become final. A true and correct copy of the Enforcement Order is attached to this Notice of Final Order. By the terms of the Order, payment of the penalty of Forty-Eight Thousand Dollars (\$48,000.00) must be mailed or delivered by February 24, 2012.

Dated: February 23, 2012

  
Jennifer Connor, Staff Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control  
P.O. Box 806,  
Sacramento, CA 95812-0806

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Renshaw's Recycling Solutions, d.b.a.  
Appliance Recycling Solutions, a.k.a.  
USA Recycling

20770 Minch Road,  
Red Bluff, California 96080

ID No. CAL000355947

Respondent.

Docket HWCA 20103949

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties: The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Randy Renshaw, of Renshaw's Recycling Solutions, d.b.a. Appliance Recycling Solutions, a.k.a. USA Recycling (Respondent).

1.2. Site: Respondent generates, handles, stores, and/or disposes of hazardous waste at the following site: 20770 Minch Road, Red Bluff, California (Site).

1.3. The Respondent generates the following hazardous waste: Electronic waste (E-waste), Electronic Devices (EDs) and Cathode Ray Tubes (CRTs).

1.4. Jurisdiction: Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and 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.

## DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondent violated California Code of Regulations, title 22, sections 66273.33.5 (a)(1)(B)(1) and 66273.33.5 (b)(1)(B)(1) in that on or about February 15, 2011, the Respondent failed to package and/or contain EDs (DVD players, VCRs, Radios, Fax Machines, Scanners, Printers, Computer Peripherals, Cable TV Boxes, Stereo Receivers, and others) and CRTs (TV's and computer monitors) in a manner that prevents breakage and release of their components.

2.2. The Respondent violated California Code of Regulations, title 22, sections 66273.33.5 (a)(1)(B2), 66273.33.5 (b)(1)(B)(2) and 66273.33.5 (c)(1)(B)(2) in that on or about February 15, 2011, the Respondent failed to immediately clean up and place in structurally sound containers glass from broken CRTs, as well as EDs and CRTs that had been accidentally or unintentionally broken and may cause a release of hazardous constituents to the environment under reasonably foreseeable conditions.

2.3. The Respondent violated California Code of Regulations, title 22, section 66273.32 (d)(1) in that the Respondent submitted a notification of intent to handle Universal Waste Electronic Devices (UWEDs) to DTSC on May 28, 2008, but failed to submit annual reports of universal waste handling activities for Years 2008, 2009, and 2010. By failing to submit annual reports, Renshaw's failed to provide DTSC the information it needs to analyze e-waste handling activities in California.

2.4. The Respondent violated California Code of Regulations, title 22, sections 66273.34(d) through (g) in that the Respondent failed to label or mark 100% of its EDs, CRTs, or containers or pallets in or on which EDs or CRTs were contained, with the

applicable phrase: "Universal Waste – Electronic Device(s)/CRTs/ CRT Glass/Mercury Containing Equipment", or clearly label the demarcated boundaries of a designated accumulation area with the applicable portion(s) of the phrase: "Universal Waste – Electronic Device(s)/CRTs/CRT Glass/Mercury Containing Equipment."

2.5. The Respondent violated California Code of Regulations, title 22, sections 66273.35(b)(1) through (b)(6) in that the Respondent failed to demonstrate the length of time EDs, CRTs, or CRT Glass had been accumulating onsite since the date they were received.

#### SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. The violations that are the subject of this Enforcement Order have been corrected.

3.2. Submittals: All submittals from a Respondent pursuant to this Order shall be sent simultaneously to:

Dr. Sangat Kals, Ph.D.  
Section Chief  
State Oversight & Enforcement Branch  
Enforcement & Emergency Response Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826

3.3. Communications: All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding

reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

---

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. 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. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central

depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

## OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, 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.

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4.4. Time Periods: "Days" for purposes of this Order means calendar days.

## PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at Forty-Eight Thousand Dollars (\$48,000.00). Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case.

Respondent shall deliver the penalty payment 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:

Dr. Sangat Kals, Ph.D.  
Section Chief  
State Oversight & Enforcement Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
8800 Cal Center Dr.  
Sacramento, CA 95826

AND

Jennifer Connor, Staff Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 I Street  
PO Box 806, MS-23A  
Sacramento, California 95812-0806

RIGHT TO A HEARING

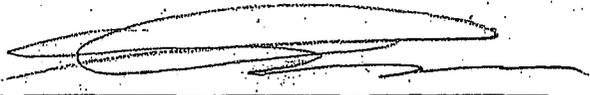
6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance

Jan. 25, 2012

  
Dr. Sangat Kals, Ph.D.  
Section Chief, SOEB  
Department of Toxic Substances Control