



STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Riverside Shooting Range, Inc.
dba Riverside Magnum Range;
Tae Sek Ha, an individual
12391 Sampson Avenue, Unit "O"
Riverside, California 92503

ID No. CAL913185471

Respondent.

Docket HWCA 2010 3228

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Riverside Shooting Range, Inc. dba Riverside Magnum Range, a former California corporation (now dissolved), and Tae Sek Ha, an individual (Respondents) enter into this Consent Order and agree as follows:

1.2. Site. Respondents formerly generated, handled, treated, stored, and offered for transportation hazardous waste at 12391 Sampson Avenue, Unit "O", Riverside, California, 92503 (Site).

1.3. Inspections. The Department inspected the Site on November 4, 2010, November 8, 2010, and February 10, 2011.

1.4. Authorization Status. Respondents operated as a generator of hazardous waste under EPA Identification number CAL913185471.

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 specific 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. Respondents waive any and all rights to a hearing in this matter.

1.8. Admissions. Respondents admit the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondents violated Health and Safety Code sections 25189.2(c) and 25201, in that on or about November 4, 2010, to wit: Respondents disposed or caused the disposal of hazardous wastes at an unauthorized point. Filters were not placed in their slots in the exhaust system to prevent fine lead powders from escaping the range. Fine lead powders were observed on the roof of the shooting range, and at the base of the rainwater down spout, in the alleyway and parking lot.

2.1.2. Respondents violated California Code of Regulations, title 22, sections 66262.34 and 66265.31, in that on or about November 8, 2010, Respondents did not maintain or operate the facility to minimize the possibility of releases to air, soil or surface water, to wit: On or about November 8, 2010, lead wastes including fine powders accumulated behind the range backstop on the floor. Respondents failed to remove lead dusts inside the range accumulating above, and on the dividers of various shooting bays.

2.1.3. Respondents violated Health and Safety Code section 25160 (b)(1), and California Code of Regulations, title 22, section 66262.20, in that from on or about November 8, 2000, Respondents failed to prepare hazardous waste manifests for shipments of hazardous waste. To wit: Respondent range owner, Tae-Sek Ha, could not provide hazardous waste manifests for shipments of hazardous lead wastes including fine powders, for the last three years or more. Furthermore, the Department's Hazardous Waste Tracking System (HWTS) has a record of only one hazardous waste manifest (for oily rags) since November 8, 2000.

2.1.4. Respondents violated California Code of Regulations, title 22, section 66262.34(f), in that on or about November 8, 2010, Respondents failed to properly label each container of untreated range lead. To wit: Respondents had two unlabeled drums containing hazardous waste (fine lead powders) behind the range backstop, and behind the shooting bays.

2.1.5. Respondents violated California Code of Regulations, title 22, section 66262.11, in that on or about November 8, 2010, Respondents failed to conduct a

hazardous waste determination on range lead, wash water, and range sweeps (including gun powders). To wit: wash water and rags contaminated with fine lead powders from the cleaning of interior range surfaces, were disposed in the sinks and transported offsite to be washed, rather than disposed of properly as hazardous waste.

2.1.6. Respondents violated Health and Safety Code sections 25189.2(c) and 25201, in that on or about November 8, 2000, and continuing to on or about November 4, 2010, Respondents disposed or caused the disposal of hazardous wastes at an unauthorized point. To wit: Respondents allowed entities to take hazardous waste lead powders to points unknown for recycling/disposal. No hazardous manifests exist or were presented to document legal disposal.

2.1.7. Respondents violated Health and Safety Code sections 25189.2(c) and 25201, in that beginning on or about February 8, 2011, and inspected by the Department on February 10, 2011, Respondents disposed or caused the disposal of hazardous wastes at an unauthorized point. To wit: Respondents disposed of lead contaminated construction debris and lead powders into a dumpster in the back alley. The dumpster was not owned by a transporter holding hazardous waste registration issued by the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Corporation Dissolved During Return to Compliance Period: At the time of the violations which are the subject of the Department's inspections, the range was owned and managed by Mr. Tae Sek Ha operating as a corporation,

Riverside Shooting Range, Inc. dba Riverside Magnum Range. As indicated below, the Department worked with Mr. Tae Sek Ha and Riverside Shooting Range, Inc. to return the range to compliance. Following an internal dispute regarding ownership of the corporation, full ownership of the range was legally awarded to Mr. Peter Lee on or about December 27, 2011 and sometime thereafter the corporation, Riverside Shooting Range, Inc., was legally dissolved. Mr. Lee is now operating the former range located at 12391 Sampson Avenue Unit #O, Riverside, California, 92503, as Riverside Magnum Range, a sole-proprietorship. The following items of compliance have been completed:

3.2. Compliance Completed: Respondents provided written documentation verifying that a new ventilation system with HEPA filters was installed at the range. Respondents provided DTSC with a copy of its permit to operate an air pollution control system from the South Coast Air Quality Management District. Respondents also provided DTSC with documentation verifying air monitoring activities recorded subsequent to installation of the new ventilation system on January 24, 2011 through January 26, 2011, from McKenna Environmental Inc. which verify that the new ventilation system is working. The range roof was later decontaminated on December 5, 2012, after transfer of ownership and management of the range to Mr. Peter Lee. Respondents replaced the former steel plate escalator backstop with a rubber media backstop system that is designed to reduce airborne lead from bullet fragmentation. Respondents also provided documentation verifying that a contractor completed decontamination and abatement of the interior of the range and the exterior backside of the range.

Respondents provided documentation indicating that they had implemented a schedule for daily, weekly, monthly, quarterly and yearly cleaning of the range. Respondents also provided documentation of a manifest and certificate of disposal of the dumpster contents which were disposed of in four 55 gallon drums on February 18, 2011.

3.3. Liability: Nothing in this Consent 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 Respondents, except as provided in this Consent Order.

3.4. Incorporation of Plans and Reports: All plans, schedules, and reports that required Department approval and that have been submitted by Respondents pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

4. PENALTIES

4.1. The Department has assessed administrative penalties against Respondent, Riverside Shooting Range, Inc. in the sum of One Hundred Nineteen Thousand Nine Hundred Dollars (\$119,900.00). However, Respondent has represented and provided supporting evidence pursuant to California Code of Regulations, Title 22, Section 66272.68 subsection (d) (Ability to Pay), that Respondent does not have the financial resources to pay the full penalty amount in this matter. Respondent has expended at least Sixty-Seven Thousand Four Hundred Twenty-Nine Dollars (\$67,429.00) in return to compliance costs with

regard to the above violations. Respondent, Riverside Shooting Range, Inc. dba Riverside Magnum Range, is no longer conducting business and the corporation has dissolved. In reliance upon Respondent's representations and certifications of its inability to pay the full penalties, the Department agrees that, provided Respondent makes the payment specified in Paragraph 4.2 below, the full administrative penalties assessed against Respondent will be satisfied.

4.2 Concurrent with the signing of this Consent Order, Respondent Riverside Shooting Range, Inc. shall pay the Department the total sum of One Thousand Dollars (\$1,000.00) in administrative penalties. Respondent's check shall be made payable to the "Department of Toxic Substances Control," and shall be delivered 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:

Roberto Kou, Unit Chief
Enforcement and Emergency Response Division
Southern California Branch
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311

Jennifer Connor, Senior Staff Counsel
Office of Legal Counsel, MS-23A
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

4.3. The monetary settlement in paragraph 4.1 above reflects the Respondent Riverside Shooting Range, Inc.'s inability to pay claim and not the merits of the Department's allegations or the seriousness of the violations alleged in the Summary of Violations issued by the Department.

5. OTHER PROVISIONS

5.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

5.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondents to civil 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.

5.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondents and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, 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 Consent Order.

5.4. Signatories: Each undersigned representative certifies that he or she is fully authorized to enter into this Consent Order.

5.5. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

5.6. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

5.7 Certification of Knowledge of Hazardous Waste Control Laws: Respondent, Tae Sek Ha, an individual, hereby certifies that due to his involvement in this enforcement action and his former officer position at Riverside Shooting Range, Inc. during the return to compliance period of this enforcement action, he now has knowledge of the Hazardous Waste Control Laws applicable to indoor shooting ranges under California law and experience in how those laws are applied in the operation of an indoor shooting range.

Dated: September 29, 2013 By Original signed by Tae Sek Ha
Tae Sek Ha
Representing himself individually, and
Riverside Shooting Range, Inc., a dissolved
California corporation

Dated: October 17, 2013 By Original signed by Roberto Kou
Roberto Kou, Unit Chief
Enforcement and Emergency Response Division
Southern California Branch
Department of Toxic Substances Control